

SOME ETHICAL ASPECTS
OF THE SOCIAL QUESTION

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THE SOCIAL QUESTION

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SOME
ETHICAL ASPECTS
ON THE
SOCIAL QUESTION
SUGGESTIONS FOR PRIESTS

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PREFACE

THIS book was written soon after the war began, as will appear from many passages.

Publication was deferred ; and on revising now the author does not find much to change or that he can add. Events have moved fast in Russia, Austria, and Germany ; but no new principle has been developed, as far as he knows.

In these islands and in the United States trade unions have become more openly socialistic. All the greater reason for priests to practise what is laid down in Book III.

It has been thought well to add, by way of Appendix, four Articles, of which three already appeared in *The Irish Theological Quarterly*. The fourth—No. III : on “ The Just Price of Labour ”—is now published for the first time.

CONTENTS

	PAGE
INTRODUCTION	I

BOOK I

GENERAL PRINCIPLES OF THE ETHICS OF PRESSURE

CHAP.		
I. SOME OLD QUESTIONS	7	
II. THE FUNDAMENTAL QUESTION	20	
III. ILLUSTRATIONS	24	
IV. NEW PRINCIPLE SUGGESTED	28	
V. BASIS OF THE NEW PRINCIPLE	35	
VI. A FURTHER SUGGESTION	44	
VII. FORMAL CONCLUSIONS	48	

BOOK II

ETHICS OF PRESSURE APPLIED TO SOCIAL QUESTIONS

CHAP.		
I. THE MAIN POINTS IN DISPUTE	55	
II. SCABS OR BLACKLEGS	61	
III. TAINTED GOODS	70	
IV. NON-UNION LABOUR	89	
V. WAGES	101	

Contents

BOOK III

CATHOLICS AND LABOUR ASSOCIATIONS

CHAP.	PAGE
I. A QUESTION THAT HAS BEEN RAISED	III
II. TRADE UNIONISM, SYNDICALISM, SOCIAL-ISM	116
III. SOME GENERAL PRINCIPLES	122
IV. MAY ONE BE A SYNDICALIST OR A SOCIALIST ?	130
V. TRADE UNIONS OR GUILDS	139

APPENDICES

I. THE ETHICAL ASPECT OF BOYCOTTING	151
II. THE LIVING WAGE	169
III. THE JUST PRICE OF LABOUR	181
IV. ABOUT SOCIALISM	208

SOME ETHICAL ASPECTS OF THE SOCIAL QUESTION

INTRODUCTION

I PURPOSE to call attention to some aspects of the Social Question ; and mean to deal with them merely as a theologian—under the light of ethics and theology ; the only sciences in which I have any competence.

As I write, almost the whole of Europe is at war ; with the result that a truce has been proclaimed in what threatened to be even a greater struggle,—more bitter and wide-spread : between Capital and Labour. When, however, the belligerent nations have settled their differences, the war-bills will come in ; and will be met at the expense, for the most part, of the wage-earners, whose lot was hard enough before. We may, accordingly, look forward to a renewal of the struggle between them and their employers, very soon after the war is over ; perhaps even before the peace. This social war, when renewed, will not be confined to Europe ; but will gradually extend to

Ethics of the Social Question

every White Man's country ; involving America, S. Africa, and Australasia, where it has already raged, often and bitterly enough. Now, while we have breathing-space, is the time to consider our position,—we priests, who shall soon have to take sides, with the workingman or against him. The future of religion depends largely on the side we take, when the time for decision comes.

It has been said, I know, that the Church,—whereby, in this connection, is meant the clergy, primarily,—has always been, and will be always, on the side of the poor : of the workingman. He, however, does not think so, in every place : France and Italy, for instance.

Even in Ireland,—where, without doubt, the priests stood by the farmers in their struggle with the landlords ; and where they still enjoy the love and confidence of the great body of the wage-earners,—one could perceive of late what looked like a rift in the lute. As long as the labourers gave no trouble,—to the farmers and shopkeepers ; the class from whom the great body of Irish priests are sprung,—the clergy could be depended on to sympathise with and encourage them. We all sympathise readily with our own people ; and, where they are attacked, we are disposed to find the assault unreasonable. So, when Mr. Larkin roused the workingmen of Dublin, there were found in that city few priests to side, or even sympathise, with the worker. If they did, it was with silent sympathy. The Nationalist daily

Introduction

press,—so quick to discern what the priests like, and so anxious to curry favour with that powerful body,—felt safe in attacking Mr. Larkin and his comrades.

You will say, of course, that priests cannot sympathise with injustice : Revolution, Socialism, Syndicalism, and such movements. And, no doubt, the Revolution in France and Italy, and the Labour revolt in Dublin, were attended by many evils which all good men deplore. So, however, was the Land League ; and yet the Irish clergy knew how to distinguish between the main principle, or current, of that revolution,—for such it was,—and the attendant excesses ; which good Land Leaguers abhorred and denounced, as impeding the general movement. The clergy could make this distinction, because their hearts were with the farmers—their own class. They failed to make it at the time of the Dublin labour troubles ; not, possibly, because it was not then applicable ; but because their hearts were with the employers more than with those who were out of work.

You will admit that if this was so it would be a danger-sign. One of the objects of this little book is to put before my brother-priests the possibility that it was so ; to make them examine their consciences, and (possibly) take up a different attitude when the labour struggle is renewed. I will not, I hope, ask for sympathy or approbation for any unjust principle or any act of injustice ; but I will ask you not to be frightened by such

Ethics of the Social Question

epithets as Revolution, Socialism, Syndicalism. I will ask you to study the questions at issue, in the light of your ethics and theology ; and, in case you have no fault to find with the main current of the movement, to make such allowance as the priests of Ireland made in Land League days, for the excesses that must accompany a struggle of the kind.

You are good men ; and would not consciously oppose anyone, however humble, in fighting for his rights. The humbler and weaker he is, the more unwilling you would be to strike at him : unjustly, and consciously, that is. Only beware of prejudice, which has often blinded men as good as you ; and remember that we are all, naturally, disposed to favour the class to which we belong. Also that, as a rule, priests do not belong to, and have not sprung from, the class of hired labourers by whom strikes are conducted.

BOOK I

*GENERAL PRINCIPLES OF THE ETHICS
OF PRESSURE*

CHAPTER I

SOME OLD QUESTIONS

NO one, so far as I know, has any doubt that it is open to individual labourers to refuse employment, unless they are satisfied as to wages and other conditions. The question in dispute is whether they can threaten employers with refusal. And as no master would heed such a threat, if made only by an individual workman ; while no master can afford to despise it when proceeding from the workmen as a body ; the question at issue comes to this : whether workmen as a body are justified in pressing their employers, by threatening to strike unless certain conditions of labour are allowed.

In the converse case, of employers, it may be that the threat of a single master,—to lock out his men,—is for these a very serious matter. Wherefore, as regards lock-outs, the question is, whether any master, or combination of masters, can rightly press their workmen to accept certain conditions of labour, under threat of locking them out and so forcing them into submission.

In either case it is a question of the use of force : the force of the strike or of the lock-out ; and the principles on which the solution turns are those

Ethics of the Social Question

which have been laid down in our Moral Theology, with regard to pressure—*vis et metus*. I find these principles set forth, mainly, under the following heads : (1) forcible appropriation of what belongs to another ; (2) forcible resistance to unjust aggression ; (3) the use of force in contracts—to exact consent of one of the parties ; and (4) forcible exclusion from a benefit which one might otherwise attain. I will deal with these in order.

I.—FORCIBLE APPROPRIATION OF WHAT BELONGS TO ANOTHER.—Theft is pretty generally defined by our moralists as taking the property of another against his reasonable will.¹ If you have his presumed consent, there is no theft ; even though he may not have authorised you explicitly. So, too, if you have a strict right to take, on certain conditions, and provided these conditions are fulfilled. The State, for instance, has a right to raise taxes, within reason, even against the will of the tax-payers ; and, in case of extreme necessity, anyone can take what is necessary to support life,—bread, for instance, in sufficient quantity,—against the will of any baker or other person who may be possessed of what one needs. Any protest that may be made, by tax-payer or baker, is unreasonable, and does not render the forcible seizure unjust. One is bound, in the circumstances, to allow one's property to be taken.

¹ So Carrière, *De Justitia*, n. 982.

Old Questions.

Here, however, as we learn from Carrière,¹ a question has been raised : Whether the owner's protest is to be deemed unreasonable only in case one has a right in strict justice to take his property : whether, if he were bound in piety to give it,—as parents are, to support their children,—the child, in case of refusal, might take by force what he requires for support.

Carrière says he may not ; according, that is, to the rigour of strict justice ; inasmuch as, should “ an owner of property refuse to allow another to take it, he is to be deemed unreasonable,—so that the other would be excused from theft,—only when he [the owner] is bound in justice to consent. For if he is bound only in charity, the other—by whom the property is taken—has no strict or perfect right to it ; but only an imperfect right. Such, however, is the nature of an imperfect right that it cannot be enforced by coercion, or against the will of the debtor. . . . Therefore, in the case proposed, it is not lawful to take the property, or to act as if the owner allowed one to do so. At first blush, indeed, it is not easy to see how it can be reasonable to act in violation of charity [or piety] ; but the difficulty ceases if we bear in mind that, while an owner is unreasonable in refusing what is due from him, he is reasonable in refusing to allow his property to be taken against his will, by anyone who has not a strict right to the same.”²

¹ n. 983.

² The translation is somewhat free, but will be found, I hope,

Ethics of the Social Question

In support of this view Carrière quotes Dæلمان and Billuart; adding,—what I regard as significant,—that “when it comes to applying these principles, writers do not always urge them in their full rigour. For lack of attention to the principle, perhaps; or because they presume the owner to give consent, as he is bound to do.”¹ The supposition, however, is that he does not give consent; while, as against the first reason, theologians are not usually so inattentive to any

to give the meaning accurately. The original runs as follows:—“Prima difficultas est, an ad hoc ut dominus censeatur rationabiliter invitus, requiratur eum nec ex justitia, nec ex charitate teneri ad rem relinquendam, an vero sufficiat eum non teneri ex justitia, vel aliis verbis utrum ille, qui consentire tenetur non ex justitia, sed ex charitate, vel alia virtute, sit irrationabiliter invitus? Stando principiorum rigori, dicendum videtur tunc tantum irrationabiliter invitum esse dominum, quando tenetur ex justitia consensum suum praestare: etenim si in domino non sit nisi obligatio charitatis, alter non habet ius strictum seu perfectum, sed tantum imperfectum; haec enim sunt duo correlativa, ut initio tractatus diximus: porro ea est juris imperfecti natura, ut vi et coactione, seu invito debitore, exerceri nequeat, ut ibidem exposuimus; ergo in eo casu non licebit rem sibi usurpare, seu eodem modo agere ac si esset consensus. Primo quidem intuitu non facile concipitur quomodo rationalis dicatur qui charitatem laedit; facile tamen explicatur, attendendo eum non esse quidem rationabilem in denegando rem quam ex charitate dare tenetur, sed esse rationabilem in eo quod velit ut alter non accipiat ipso invito, cum ex hypothesi jus ad eam non habeat. Ita breviter et quoad substantiam, Dæلمان, loc. cit.; Billuart, d. xi. art. vi. in fine.”—Carrière, *De Justitia et Jure*, n. 983.

¹ “Sed quando ad applicationem deveniendum est, non semper stare videntur auctores illi rigori principiorum: sive forsan quia ad principium non satis attendunt; sive quia obligatio charitatis ex parte domini dat locum praesumendi eum de facto consentire, quia non supponitur deesse suae obligationi; ac proinde, aliquando saltem, ex tali obligatione concludi potest eum non esse invitum, licet admittatur eum non fore irrationabilem, sensu exposito, si reipsa esset invitus.”—*Ibid.*

Old Questions

principle which they have thought out clearly. Perhaps the hesitation or uncertainty which we find here attested is due to the fact that the principles on which the question depends have not been thought out fully: that, in other words, there is room for development of ethical science on this aspect of the social question.

2.—**FORCIBLE RESISTANCE TO UNJUST AGGRESSION.**—The question as to whether and how far it is permissible to withstand unjust aggression, is usually discussed in connection with homicide; in this form: Whether one may lawfully kill another who makes an unjust attack on one's life, or character, or property. The common teaching is, that, whilst one may defend one's life by killing an unjust aggressor, provided there is no other means of defence or escape; one may not kill merely to safeguard some little bit of property; though, to save one's property, force may be used in moderation—that is, in proportion to the value of what is assailed.

“It is certain,” writes Carrière, “that, to defend one's property, force may be used, provided it stops short of homicide; hence, one may violently wrest one's property from a robber; striking him, or even wounding; provided there is no danger of death, and that what he has taken is of considerable value. This is supposed in law, and commonly admitted by writers on the subject; for then force is repelled by force, and the

Ethics of the Social Question

moderation of blameless defence is sufficiently observed.”¹

In this,—which is the most definite teaching I can find on the subject,—you may notice that there is question of an attack on one’s strict right or property. So that if, say, a landlord were to seize a tenant’s cattle, to provide a rent which is unjust in the strict sense ; or if an employer were to fine a workman for non-observance of some inequitable rule ; the person aggrieved would be justified in resisting, by force ; provided he is careful to observe proportion—the moderation of legitimate defence. No one would allow a tenant, employé, or anyone else, to kill one who might attempt to deprive him merely of a small sum of money.

What, however, if the attack were made, not on one’s strict right, but only on something that is due to one in equity ? Few, I think, would maintain that the rents demanded in times past by Irish landlords were so excessive as to violate the tenants’ strict right. Had they been so, the landlords would have been bound to restitution ; but few, if any, Irish priests would have insisted on that, however they may have supported the tenants’ agitation. The rents were deemed ex-

¹ “Certum est legitimum esse defendere cum aliqua violentia, infra occisionem, bona fortunæ ; unde potest invasus rem ablatam violenter eripere, furem percutere, imo, si sit res gravis momenti, vulnerare, secluso periculo occisionis. Id supponunt jura, et satis communiter admittunt auctores ; tunc enim vis vi repellitur, et satis servatur moderamen inculpatæ tutelæ.”—Carrière, *De Justitia et Jure*, n. 802, II.

Old Questions

cessive, in the sense of being inequitable or unfair ; but not as involving strict injustice. Now, they were resisted by force ; not, indeed, by physical force,—unless here and there, when it was generally condemned,—but by moral pressure of many kinds, culminating in the boycott. There was an agitation ; which meant pressure or moral force of some kind. Was it lawful, on the part of the tenants, to defend in this way what was not a strict, but only an equitable, right ? The question, as far as I know, has not been discussed ; or, to put it differently, moral science has not been developed so far as to deal with the legitimacy of forcible resistance to inequitable aggression.

Catholic writers on morals, nevertheless, have revealed their mind incidentally, here and there ; as, when dealing with promises of marriage, they decide that a father may use pressure to prevent his son from marrying beneath him and so disgracing his family.¹ Bear in mind that such a marriage is not strictly unjust, either to the father or to the family ; and yet it may be prevented by the very grave threat, let us say, of disinheritance.

3.—INFLUENCE OF FEAR ON CONTRACTS.—The question of the legitimate use of force,—to cause fear,—comes up again in connection with contracts ; where the common teaching is that if a contract is due to fear caused by pressure unjustly applied

¹ Sanchez, *De Matrimonio*, L. i. C. xiv. n. 4.

Ethics of the Social Question

by either of the parties, the other party—that has been subjected to such pressure—is not bound by the contract ; or, at least, that it is rescindible on his part. It is supposed, of course, that the pressure was grievous and the matter of the contract no trifle. This common teaching is stated by Father Lehmkuhl as follows :—“ Grave fear, unjustly caused by either of the contracting parties, makes any contract that results from such fear rescindible by the law of nature.” ¹

Here again, I notice, our moralists contemplate only injustice of the strict kind ; ² not any merely unfair or inequitable pressure. They do not, however, as I think, define clearly when pressure would be unjust, and not merely unfair. Cardinal De Lugo, after a general statement to the effect that they require unjust and not merely unreasonable pressure, goes on to say that they do not observe the distinction when it comes to practice :—“ In the examples which they give, there is often no question of any evil that involves strict injustice. If, they say, a son fears to offend his father ; or if, through modesty, shame,

¹ “ Metus gravis iniuste incussus, ab altero contrahentium, contractum quemlibet ex illo metu initum reddit iure naturae rescindibilem. Lugo, *De Iustitia*, D. xxii. nn. 110 sqq. ; Lessius, *De Iustitia*, L. ii. C. xvii. nn. 37 sqq.”—Lehmkuhl, *Theol. Moral.*, I. n. 1265.

² “ Doctores communiter ad hunc effectum videntur exigere quod metus sit iniuste illatus ; iniustum autem significat id quod est contra iustitiam proprie dictam ; quare malum quod non infertur contra iustitiam, licet contra alias virtutes peccetur, non videtur esse iniuste illatum.”—De Lugo, *De Iustitia*, D. xxii. n. 152.

Old Questions

or reverence, he does not dare to contradict, even though there was no other evil to fear ; the contract should be rescinded. So, too, if a married woman gives security for someone, to avoid altercation or offence on her husband's part, she is not bound ; though quarrels and offence, if they go no further, do not seem to involve strict injustice. Hence, perhaps, to meet the difficulty, Lessius says that in such cases consent is extorted unjustly, even though no other evil be apprehended ; adding this reason, that a father who makes use of his authority to oppress, as it were, the liberty of his son, is bound in justice to relax the pressure in matters of this kind (matrimonial), so that the son may be in position to make a free choice ; and if the father presses, he inflicts an injury and is bound to restitution." ¹

Cardinal De Lugo finds this hard ; and proceeds to lay down the rule that, " even though you were bound in charity or any other virtue, and under grave sin, not to show indignation or aversion, if another refuses consent to a contract ; nevertheless,

¹ " Ex altera vero parte videtur hoc malum et hunc metum sufficere, quia exempla quibus auctores in hoc puncto utuntur, videntur non frequenter continere malum cum iniuria proprie dicta illatum. Dicunt enim, si filius timeat offendere patrem, vel si prae verecundia, pudore, et reverentia, non audeat contradicere, licet nullum malum aliud timeat, debere contractum rescindere. Ita si uxor, ad vitanda iurgia et offensionem mariti, fideiubeat, non obligari ; iurgia autem illa et offensio, quamdiu aliud malum non infertur, non videtur continere iniuriam contra iustitiam, siquidem non laedunt iniuste in bonis honoris, vitae, vel fortunae, sed solum ostenditur offensio concepta ex neglectis precibus, aut petitione, qua consensus petebatur."—De Lugo, *Ibid.* n. 153.

Ethics of the Social Question

provided you inflict no damage, and deny nothing that is due in justice, you do not sin against justice by extorting consent to the contract ; and this even though you should implicitly, or explicitly, make it known that, if the consent is refused, you will not do something which you are bound to do in some other virtue, for the person concerned.” “Hence,” he adds, “from fear of that kind [which is not strictly unjust] there can be no obligation of restitution, in justice ; and, accordingly, one on whom such [unreasonable, but not unjust] pressure has been brought to bear, has no right in strict justice to rescind the contract on his own authority.”¹

I quote all this to show that in the teaching of our moralists there is nothing like unanimity as to when strict injustice is wrought by pressure applied to either of the parties to a contract ; and that, as regards this question also, moral science is in need of further development.

¹ “Dicendum est quod etiamsi ex charitate vel alia virtute deberes, etiam sub peccato mortali, non ostendere indignationem, vel aversionem, ob negatum consensum ad contractum, si tamen non infers malum aliquod, vel negas aliquid debitum contra iustitiam, non peccas contra iustitiam extorquendo consensum ad contractum, licet explicite vel implicite ostendas te, negato consensu, non facturum id quod ex alia virtute debebas circa talem personam facere. Quod in contractu matrimonii docet expresse Rebellus, Lib. ii., *De Matrim.*, q. xi. s. ii. n. 15. Ratio autem est, quia obligatio restituendi ex iustitia non oritur nisi ex metu contra iustitiam illato : non est autem contra iustitiam minari te non esse satisfacturum debito charitatis, sed ad summum erit contra charitatem. Ergo ex metu illo non potest oriri obligatio restituendi ex iustitia ; atque ideo qui metum passus est non habet ius ex iustitia ad rescindendum contractum propria auctoritate.”—De Lugo, *Ibid.* n. 153.

Old Questions

This aspect of the question is discussed by canonists, in connection with Matrimony, when they deal with the impediment deriving from force or fear. The pressure, they say, must be unjust ; but though some few of them, following Cardinal De Lugo's general doctrine already quoted, distinguish between justice and charity, they do not mention the wider justice virtues which I have called equitable.¹

4.—EXCLUSION, BY FORCE, FROM A BENEFIT.
—Father Lehmkuhl, like most of our writers on Justice, raises the question whether one sins against that virtue, so as to be bound to restitution, if one should exclude another from the attainment of any good. In his answer he distinguishes two cases ; according as the person who is excluded has or has not already acquired a right, in the thing in question. Should he have acquired a right, it is unjust to exclude him from possession, however this may be accomplished ; whereas if he has not yet acquired a right, to exclude him from acquiring it is unjust only when the means used to that end are unjust in themselves ; as are force, fraud, deceit, lying, unjust detraction.

In this latter case, moreover,—where the person excluded has not yet acquired a right,—he may, without injustice, be prevented, even by force or fraud, from acquiring, if it should be wrong for the giver to give him the thing in question, or for him

¹ See Cardinal Gasparri, *De Matrim.*, n. 952.

Ethics of the Social Question

to receive. The reason assigned is, that, as the thing can be acquired only by an action which is supposed to be unlawful; and as one can have no right, whether immediate or mediate, to perform any illicit action; one suffers no injustice if restrained from the performance. Hence anyone is within one's right in preventing such an action, if one can; and, though it is wrong to do so by fraud, no injustice is done thereby to the person who is deprived of the benefit. No one would hold a man to restitution who, by lying, has kept another from obtaining money from a third, if it were to be given by this person for some improper purpose.¹

Here we find a very important and suggestive principle: that there can be no strict right to the performance of any action which cannot take place without sin. I wonder whether Father Lehmkuhl adverted to the logical consequences, or whether he would admit some of them. "Should one," he says, "tell a lie and so prevent another from

¹ "Quaestio VI.: Quomodo et quando peccet ille contra iustitiam cum onere restitutionis, qui alterum a consecutione alicuius boni excludit? . . .

"I. Qui *quocunque modo* excludit aliquem a consecutione boni *ad quod et ad cuius consecutionem* alter tunc ius habuit, (sive ius in re sive ius ad rem), is tenetur ad restitutionem—propter iniustitiam *ratione rei* commissam.

"II. Qui a consecutione alicuius boni eum excludit qui *positivum ius ad illud bonum non habuit*, tenetur ad restitutionem, si *mediis iniustis* usus est, alias non tenetur:—ergo teneri potest propter iniustitiam *ratione modi* commissam. Quae restitutio facienda est pro rata spei quam alter habuit, fore ut bonum illud consequeretur.

"III. Qui alterum, etiam fraudulenter, a consecutione boni excludit, cuius acceptio aut collatio *objective mala* seu *ex parte rei peccaminosa* fuisset, ad restitutionem non tenetur.

Old Questions

giving money to a third in payment for some improper action, no one would bind the author of the lie to restitution of what he has kept this third party from acquiring." But has he not kept him from the use of something which is within his strict right? Should the action be performed, according to contract, he is entitled to payment; therefore the action was his. Has not the author of the lie, moreover, kept the owner of the money from spending it—using what is his strict right? Is there not, therefore, an obligation of restitution to him? If not, may a landlord be forcibly restrained, without strict injustice, from letting at an inequitable, and therefore illicit, rent? May an employer be restrained from using his premises to exact inequitable conditions of labour? Or a farmer from any use of land which is injurious to the public weal? How would Father Lehmkuhl answer?

"... Media iniusta eiusmodi sunt, vis, fraus, dolus, mendacium, iniusta detractio. . . .

"Si quis a consequendo bono excluditur, quod solo peccato sive suo sive alieno accipere potuit, neque immediate, neque mediate et remote ius ullum habuit. Nam ius ad actionem illam peccaminosam, qua mediante emolumentum accepturus erat, existit nullum. Peccaminoso quidem usu ius non extinguitur, at in peccaminosam actionem quemquam ius habere absurde tantum dicitur. Imo tertius quilibet iure suo utitur, si illam peccaminosam actionem, quantum potest, impediat; quod autem fraude aliqua id faciat, illicitum quidem est, sed carentia illius emolumenti, quae alteri propterea accidit, non fit iniusta. . . . Qui alterum mendacio impedivit ab expensis turpis rei causa faciendis, eum lucrum illud, quo tertia illa persona nunc caret, restituere nemo dixerit."—Lehmkuhl, *Theol. Mor.*, I. 1160. Italics in original.

CHAPTER II

THE FUNDAMENTAL QUESTION

IT might seem easy, at first sight, to determine, when pressure, or force, is just or unjust. For it should be just whenever he who applies it has a right to what he wrests thereby ; and unjust whenever he wrests anything to which, antecedently, he had no strict or exclusive right. If you have my horse, I may take him from you, by force, without violating any right of yours. If I have only a part interest in the horse, I shall be justified in wresting that part from you,—the use of him, let us say, on certain days ; but not the sole and exclusive use of him, while he is fit for use. In this latter case, my partial right to the horse limits your right to him ; which, therefore, is not quite exclusive, because not quite unconditioned ; for which reason, if you are deprived of him only within the limits of your right, this right is not violated.

Suppose, however, that your right to the horse is absolute,—your strict right, that is,—so that no one has any concurrent strict right to him, conditioning or limiting yours. Then, by depriving you of the horse, I interfere with your exclusive use of him—which is your strict right. That is,

Fundamental Question

I do you a strict injustice whenever I deprive you of him, even in part ; and this even though I should have a right to him in charity or even in piety or equity. The only title that limits a strict right is a concurrent partial right of the same kind ; because it is only such a concurrent strict right that deprives yours of complete exclusiveness. Rights in equity are not exclusive. Hence any right in equity that I may have to your horse, does not prevent him from being wholly yours : to be used by you alone, to the exclusion of me and others, whatever right we may have ; so long as this, too, is not an exclusive or strict right.

When, accordingly, one applies pressure to deprive a man of something which is his exclusively, one commits strict injustice ; which consists essentially in depriving one of one's strict right, or of what belongs to one exclusively. And this even though he who deprives should have an equitable right to the thing in question ; because any such equitable right is not exclusive ; and it is only an exclusive right that can limit, or make partially void, the exclusive right of another.

This argument, as has been said, appears both very simple and very cogent, at first view. I have known it to be advanced by men with a claim to expert knowledge of the ethics of justice ; but who, nevertheless, as I suspect, had not thought out fully the question of pressure. For if you were to ask them whether a young man has a strict right to make an unreasonable marriage, they would

Ethics of the Social Question

answer that he may have. Press the question so far as to inquire whether his parents have a strict right that such a marriage shall not take place ; and the answer will be that they have not ; only, at most, a right in piety or some other such virtue. Ask, further, whether they can prevent the marriage, by the severe pressure which is conveyed in a threat of disinheritance ; and the reply will be that they can. That is they can, without strict injustice, use force to prevent one from exercising what is one's strict right, to their exclusion. What, then, becomes of the principle that it is only those who have a partially exclusive right to a thing who can, without strict injustice, apply force to prevent an owner from using his right of ownership in the same thing ; and this only within the limits of the partial right which they are supposed to possess ?

It is said, I know, that a threat of disinheritance would be just pressure in the circumstances,—where the marriage would bring disgrace on the family ; though it would be unjust if the youth had made a reasonable choice. But how are we to distinguish between just and unjust pressure ? Is it not only from the effect—the formal object ? If, then, the young man's choice, however unreasonable, is within his strict right,—as is admitted,—how can a pressure be just that tends to deprive him of this strict right ? What else is injustice but anything that tends to deprive one of a right of that kind ? Other cases might be

Fundamental Question

quoted, wherein moralists allow one to use pressure or force, to assert a right in equity, or charity, or some virtue other than strict justice; against one who has an unlimited strict right to do what he is thus pressed to omit. Father Lehmkuhl, as we have seen, does not think it strictly unjust to use fraud,—the equivalent of force,—to keep one from doing what cannot be done without sin, even though one should have otherwise a strict right to do it. Which proves once more, as I think, that something remains to be done for the development of the Ethics of Pressure.

CHAPTER III

ILLUSTRATIONS

1. **F**EW, I fancy, would now blame the English barons for the pressure they applied at Runnymede ; and yet I doubt whether our moralists would hold that they were insisting on strict rights ; so that the king would have been guilty of strict injustice and bound to restitution.

2. Later, when the question of ship-money arose, and the tax-payers threatened to resist by force,—and did resist,—was their action justifiable only on the supposition that the royal demand was against strict justice ? Would the people have been within their right even though the taxes were only a violation of distributive justice ; provided, if you will, the resistance did not exceed such pressure within the constitution as we have witnessed in recent times ? Were the people of England to submit for ever to distributive injustice of this kind, rather than apply pressure, within the constitution, to make the king renounce what, up to that time, was his right—in strict justice, that is ?

3. Later still, at the time of the first Reform agitation, were the people within their right to press for votes ; though this meant renunciation, on the part of the narrow class by whom laws had

Illustrations

been made hitherto, of the right to make these laws? Or was it that this privilege was not a strict right of theirs? Has not King George of England a strict right to the throne and all the power and privileges appertaining thereto?

4. We have seen, in our own days, an agitation against the House of Lords; with strong pressure applied, to make them renounce their right of absolute veto on proposed legislation; and corresponding pressure applied to the throne, to restrain it from supporting the Lords. Is it that the Lords had not a strict right to do as they had been doing? Were they guilty of strict injustice, and so bound to restitution, when they refused to pass the Liberal budget or the Home Rule Bill? Or is it, rather, that, however reasonable the Commons' demand may have been, the pressure used to enforce it was strictly unjust?

5. Take the land agitation in Ireland; and suppose,—as nearly all Irish priests will allow,—that the rents against which the people rose were harsh or inequitable. Had not the landlords a strict right to these rents,—in many cases, at least? If a Catholic landlord came to confession, would you bind him to restitution, whenever you thought the agitation against him justified? Few confessors in Ireland, I fancy, would insist on any such obligation; or would even allow a tenant to make occult compensation for the excess of a rackrent. That is to say, the priests of Ireland,—who supported the agitation, as a body,—thereby endorsed

Ethics of the Social Question

the principle that one may use pressure to compel another to renounce what, if he has occupied it and has it, is his property and strict right. Would you censure the Irish clergy for developing moral science on this line, under the stern guidance of necessity? They could not, possibly, justify their action in the light of what ethical principles they had learned; but their common sense assured them that the people were right; and that if the agitation could not be reconciled with ethics as it was hitherto taught, that science was in need of development.

6. Since the body of this little work was written a letter appeared in *The Freeman's Journal* (of April 13, 1918), from the pen of the Administrator of the Cathedral Parish of Armagh, who proposed to organise a movement of passive resistance against a projected government measure of military conscription. Such an organisation could succeed only by applying pressure to the government; and the Rev. Administrator says "we have the highest theological authority for its use." If this does not mean that his Eminence Cardinal Logue sanctioned it, most readers of the letter were deceived. Was it, then, the opinion of this "highest theological authority" that conscription for Ireland was strictly unjust? Or may it have been that his Eminence would allow and incite his flock to resist passively, even though it were opposed merely to legal or distributive justice?

7. Later still,—on the 14th April, 1919,—there

Illustrations

appeared in the daily press an official communique giving a summary of the League of Nations Covenant. Clause 3 (*e*) of this document reads :—

“ (*e*) To regard a State which has broken the Covenant (*d*) as having committed an act of war against the League ; to break off all economic and other relations with it, and to allow free passage through their territories to the troops of those States which are contributing armed force on behalf of the League. The Council is to recommend what amount of force should be supplied by the several governments concerned, but the approval of the latter is unnecessary. States not members of the League will be invited to accept the obligations of the League for the purpose of particular disputes ; and, if they fail to comply, may be coerced.”

Here we have not only pressure,—of the boycott,—applied to States which have broken the Covenant, but coercion of neutrals,—non-union States,—to make them accept “ the obligations of the League for the purpose of particular disputes.” Nations, however, are as independent of one another as are individuals in a Nation : and more so.

CHAPTER IV

NEW PRINCIPLE SUGGESTED

I WILL ask you to distinguish between two things—(1) taking what belongs to another, without his consent ; and (2) pressing him to consent to your taking it. There may be appropriation in the second case, as in the first ; but, in the second, it takes place only after the owner's consent has been obtained ; wrested from him, no doubt ; but still so that it was given freely.

1. In the first case,—where the owner refuses consent,—appropriation by another is strictly unjust in every conceivable case. As seems plain ; unless, indeed, the person who takes the property has a partial right to it himself, and uses it only within the limits of that right ; when, of course, he would not be taking anything that is another's. If you take precisely what belongs to another, without his consent, you are violating his strict right. Exclusive use of a thing is of the very essence of strict right in it. Hence, should anyone but the owner make use of it, without his consent, his right is violated. This, I say, is evident, if there is any such thing as strict or exclusive right ; and holds in every case whatever.

New Principle

There is, nevertheless, one case in which the principle just laid down has been denied by the great body of moral theologians ; who maintain that (*a*) the State can take, as reasonable taxation, the property of the citizens, without their consent and against their protest ; though (*b*) it—the State—has no partial strict right to what it seizes, until it has actually taken possession. This implies that the strict right of citizens to their property is not exclusive of all who have no partial strict right to the same ; for the State, which has no such right,—as these theologians contend,—can seize on and appropriate the taxes, without the consent and against the protest of the citizens. This seems to me subversive of the very notion of strict right. Hence, as I believe, the State has a partial strict right in the citizens' property ; that is, to so much of it as may be reasonably necessary for the public weal. To that extent, accordingly, the property of the citizens may be seized on and appropriated for taxation, even though they—or any of them—should refuse consent to the appropriation.

2. In the second case above-mentioned,—where one's property is not seized till one has been forced to consent to the seizure,—the argument just set forth does not hold ; provided, that is, the owner consents freely ; as he may do, even though the consent has been extorted by pressure. For not all pressure is sufficient to deprive one of free-will, even though it should be efficacious to secure

Ethics of the Social Question

an exercise of that faculty. Accordingly, if one does freely consent to have one's property taken, you may no longer argue that the taking is unjust, on the ground that it is essentially unjust to appropriate what is another's, without his consent.

If, therefore, it is unjust to take what belongs to another, after forcing him to consent, it will be because an exercise of force, to make him consent, is unjust in the circumstances ; or, what comes to the same thing, because he has a strict right that he should not be forced to consent to the appropriation. So that the question at issue may be put in this way : Have owners a strict right not to be forced to consent to part with their property ?

To this question, as I think, the common sense of practical men has made answer that : *An owner may be pressed to renounce his strict right by anyone who has an equitable right incompatible with the strict right in question ; provided the pressure applied is proportionate to the equitable right that is jeopardised.* This, as has been said, is the practice of the most upright and scrupulous men.

(1) Take, for instance, a case of ordinary private sale. Owners have a strict right to what is known as the highest price,—*pretium summum*,—if they can get it ; as have buyers, conversely, to pay only the lowest—the *pretium infimum*. Either, I take it, has a right in equity to the fair, or medium, price. Would any buyer hesitate to

New Principle

press for this medium price, by threatening (*a*) not to buy the article in question at a price higher than the medium ; or even (*b*),—in matters of some importance,—to transfer his entire custom elsewhere ? I have known a wealthy institution, whose banking transactions were considerable, to threaten withdrawal of the account, unless the bank gave what were claimed as reasonable terms in the case of a certain transaction. Had not the bank a strict right to refuse ? Yet who would blame the institution, if the claim made by its agents was really equitable ?

(2) Or take the case of a tariff war between two nations—a thing not quite unknown. The United States, let us say, wishing to keep out German-made tools, puts a high tariff on articles of that kind ; whereupon Germany replies with a threat that, unless the tariff is diminished, it will raise the duty on corn or bacon coming from the United States. Have not the United States a strict right to place a high tariff on imported tools ? May not the pressure of retaliation be sufficient to prevent the exercise of that right ? And may not Germany, or any other State, resort to such pressure, if it should do so merely to ensure reasonable conditions of trade ?

(3) Take the case of manufacturers, or wholesale merchants ; who, surely, have a strict right to sell their wares to the public at the price which they charge dealers. It is well known, however, that they dare not do so, lest the dealers should

Ethics of the Social Question

leave them severely alone. Who would bind a dealer to restitution for participating in this very efficacious form of pressure ; so long, at least, as he is merely enforcing reasonable conditions of trade ?

(4) See what happened in Ireland at the time of the land agitation ; when very severe pressure was applied to landlords to keep them from evicting tenants ; as was, in all but few cases, their strict right. For, what Irish priest would hold that the rents of the time, even though harsh, were strictly unjust ? Or that landlords who proceeded to eviction, to enforce inequitable rents, were bound to restitution ? The landlords, therefore, were within their strict right, as a rule, when they evicted for non-payment of rent ; as were the “ grabbers ” by whom the farms thus left vacant were taken. Yet the Irish priests, as a body, supported an agitation of which the main object was to apply severe pressure to both landlords and grabbers ? Can the fact be denied ? Or is it that the great body of the Irish clergy,—Bishops and priests,—sanctioned grave and strict injustice ?

(5) Take, finally, the recent agitation against the House of Lords ; or that which preceded the first great Reform Bill,—whereby it was passed ; or that which abolished ship-money and limited the rights of the Crown in England ; or that which preceded Magna Charta. Take, indeed, any of the revolutions that Europe has witnessed

New Principle

during the last thousand years, culminating in the great Revolution in France; and ask yourself whether the rulers whose powers were curtailed, had not, when the movement began, a strict right to most, if not all, of the power which they wielded. They were compelled to renounce this strict right. Was the pressure whereby this was effected unjust in every case? And is it to that the Catholic moralist must come in his judgment on these great historical events? I refuse to admit it; and insist, rather, that, whatever injustice attended the land agitation in Ireland, or the revolutionary movements of England and France, was accidental; the main currents, with all the pressure they involved, being quite legitimate.¹

Hence, I say, there is practically no one, however honest and honourable, who does not use pressure, at times, to make others renounce something which is within their strict right. We complain of this, no doubt, when the pressure is applied to ourselves; as is no wonder, since people naturally refuse to admit that they are inequitable,—to say nothing of injustice. But, private interest apart, we not only approve of the pressure when applied to others; but apply it

¹ We have seen (p. 27) that the League of Nations proposes to apply pressure—coercion—to States which are not members of the League, and are under no contract with the same, to make them “accept certain obligations of the League for the purposes of particular disputes.” No one, I fancy, will deem this necessarily unjust or immoral.

Ethics of the Social Question

ourselves, whenever our own equitable rights are imperilled.

It was common sense of this kind which saved moral theologians from urging in practice their rigid and undeveloped theories of unjust pressure ; as we have seen in Chapter I. "Such," writes Carrière, "is the nature of an imperfect right that it cannot be enforced by coercion, against the will of the debtor" ; though, "in applying the principle, writers do not always urge it in its full rigour."¹ Cardinal De Lugo also, as we have seen,² testifies that, when discussing the effect of unjust fear on contracts, moralists, as a rule, contemplate only such pressure as is strictly unjust ; though they do not always insist on this when they come to practice. And there is plenty of authority for the view that a father may apply severe pressure to make his son forgo an unreasonable marriage ; though the son has a strict right to contract the marriage in question. The moralists found it difficult to defend this, in theory ; though, in practice, it commended itself to them.

¹ *Supra*, p. 9.

² *Supra*, pp. 14-16.

CHAPTER V

BASIS OF THE NEW PRINCIPLE

I PROPOSE, in the present Chapter, to examine the scientific basis of the principle set forth in the last. And as the inquiry is likely to be dry, you may pass it over and turn to Chapter VI., unless you are scientifically minded ; and especially should you be satisfied with the practical, common-sense illustrations and arguments already given.

I have asked you to distinguish between the case in which property is seized without the owner's consent, and that wherein his consent was given—under pressure, but freely,—before the seizure was effected. In the former case, the seizure must, as I have said, be regarded as strictly unjust ; unless, indeed, what is taken was being used by its owner to inflict injury in the strict sense on the person who despoils him. For it is plain that you may deprive a man, against his will, of a sword or gun with which he is about to take your life ; since, in that case, you deprive him, not so much of the weapon,—which must be returned when the danger ceases,—as of a certain use of it, to which he has no strict right ; and of which, accordingly, he may be deprived without strict injustice.

Ethics of the Social Question

The reason does not hold in case the injury,—contemplated or attempted by the man whom you deprive of his property,—is not a strict one: when he meditates, or attempts, inequitable rather than strictly unjust treatment of yourself or another. In this case, as he has a strict right to do what he contemplates, though it is inequitable on his part; if you deprive him of what is his, you take his property; and one can never take the property of another without strict injustice, unless with the owner's free consent. That is the very meaning and essence of strict injustice—taking the property or strict right of another without his permission.

Neither, as I proceed to suggest, does the afore-said reason hold whenever the owner of a piece of property consents to its being taken, even though the consent be due to pressure; provided, however, it is free. For, in this case, there is nothing seized or appropriated without consent of the owner; and then where is the strict injustice? The consent itself, as I suppose, is freely given. If it were otherwise,—if there were deceit, so that the owner did not know what he was permitting; or if such force were applied as to destroy free-will,—there would be strict injustice, since there would be no true consent.

As I read the moral theologians, their contention is that, although, when you press a man to part with his goods, if he consents, freely, he is not injured precisely by the fact that you take

Basis of Principle

the goods ; but by the fact that your pressure deprives him of a certain fulness of control over his own will. It is not so much a usurpation as a damnification : not that you take, but that you destroy.

Consider, however, as against this, that damnification is not an injury in the strict sense, unless the person who suffers loss has a strict right to what he loses, as against him by whom the loss is caused. If you have a strict right to do something,—let us say, to marry beneath the condition of your family,—you can do so without strict injury to your father ; even though he may be aggrieved by your conduct, and may be entitled to press you to desist. Now, it has to be proved that where you have a strict right to what you are pressed to resign, you have a similar right to that full control of your will which, as I admit, is destroyed by pressure,—even where you remain free to refuse consent.

As, in the case just proposed,—where a young man marries beneath him,—he has a strict right so to marry, it would be, on his father's part, a strict injustice to deprive him of this right ; but it is no strict injustice to diminish his self-control in the matter, by a threat of disinherittance, should he exercise that right. This shows that it is not—in all cases and of necessity—strictly unjust to diminish an owner's freedom, as to the disposal of his property ; provided no part of the property is taken from him without his free consent.

Ethics of the Social Question

Take another case, which is discussed by all writers on contracts : where an owner consents, under severe and undue pressure, to part with some of his goods, by way either of donation or of sale. It has been disputed whether such a contract is valid ; the more common and better opinion, as I think, holding that it is ; so, however, as to be rescindible at the will of the party to whom the pressure was applied. The reason commonly assigned for the second part,—that the contract is rescindible,—is, that strict injustice was committed by the other party, in applying the pressure ; that this party, consequently, is bound to restitution ; and that the only way in which restitution can be made, in the case, is to allow the other party,—who was pressed,—to rescind the contract and so resume possession of the goods which he had relinquished.

I do not find this reason consistent. For if strict injustice was committed against A,—to whom the pressure was applied, by B,—B is bound to restitution ; and this antecedently to any rescinding act on the part of A. What, then, is B bound to restore ? Not the property which A has ceded under pressure ; since that is now his,—B's,—as the contract is supposed to be valid and dominion transferred. Therefore B is bound only to restore A's full control ; which means that he is bound only to remove the pressure. This, however, is not restitution, so much as abstention from further aggression ; just as removal of your

Basis of Principle

cattle from another man's corn-field is not restitution for any injury they may have done the corn. It is not, then, by way of restitution for strict injustice that the contract may be rescinded ; but, rather, by way of removal of pressure which is of itself unreasonable, to say the least.

Suppose B were bound to remove the pressure as restitution to A ; or suppose even that, apart from restitution, he were bound in strict justice to remove it ; how does that enable A to rescind the contract and resume ownership of the goods transferred ? They are now B's, to the exclusion of all men, including A : that is the meaning of property or strict right. A, no doubt, has a right to full freedom ; and has got it, as we now suppose. Is it, however, freedom to appropriate what belongs to another ? Or is it freedom not to cede his right—in goods to which he has no right ? See where this theory of strict injustice and consequent restitution leads.

Take it, however, that there is strict injustice, consisting, not so much in taking property without the owner's consent, as in impairing his control over his will. The goods ceded were A's ; now they belong to B, in virtue of the consent of A. As long as they belong to B, or to anyone to whom he may have transferred them, it is in virtue of the consent of A they belong to their new owner. However many may have preceded you in title, the value of your title depends on the consent whereby each, including the first,

Ethics of the Social Question

relinquished his right to what is now yours. It is yours in virtue of this consent abiding in some way ; and the only question of any interest is : How long does such consent abide ?

It abides for ever, as I think, if it was given, originally, with full freedom ; but if it was given under severe and undue pressure, it abides only till recalled by the giver ; who is most likely to recall it only when the pressure has been removed. When recalled, reasonably, the consent abides no longer. When it does not abide, it ceases to found a title to ownership in what it ceded originally ; so that the property in question falls back automatically under the dominion of the original owner, on the reasonable cessation of his consent.

Accordingly, the principle laid down in Chapter IV. is based on this ground, that *consent sufficient to transfer ownership avails so long as it is not effectually withdrawn ; as it may be whenever it was originally given under pressure unjustly or even inequitably or unreasonably applied.*

To make the principle and its basis clearer, let us take an extreme case,—of a highwayman to whom a traveller delivers his purse, in order to save his life. (1) If the purse is given without internal consent to the transfer of ownership, it remains the traveller's property, after being taken by the robber. (2) In case, however, the traveller, when handing it over, freely consents to the transfer of ownership, he makes a donation of it to the robber ; no doubt, under grievous pressure ;

Basis of Principle

and as, according to the more common, and better, opinion, such a contract is valid, though rescindible, the purse belongs to the robber, after the transfer, until the traveller withdraws his consent. (3) He can, however, withdraw the consent validly, since the pressure under which it was first given was unreasonable, if not unjust ; so that, on withdrawal, the purse reverts, *eo ipso*, to the ownership of the traveller. Nay (4), in case some friend of the traveller's were to force the robber to give back the purse, before the withdrawal of consent by its original owner ; and if, under this pressure, the robber freely consented to restore it ; it would thereby again become the traveller's irrevocable property ; since it was only reasonable pressure that was applied to the robber.

If, now, in the light of the new principle and its basis, we reconsider the questions proposed in Chapter I., as to (1) forcible appropriation of what belongs to another ; (2) forcible resistance to unjust aggression ; (3) the use of force in contracts, to exact consent of one of the contracting parties ; and (4) exclusion, by force, from a benefit ; we shall probably find that

(1) As regards the first point,—forcible appropriation of what belongs to another,—one may not, without strict injustice, take what belongs to another, except with his consent, unless (*a*) one should be part owner of what is taken ; when one may bring reasonable pressure to bear on the other part owner or owners, to compel them to allow one

Ethics of the Social Question

to use it within the limits of one's right. Moreover, (b) one may use reasonable pressure to compel an owner to resign his ownership in one's favour, provided one has a right in equity, or some such virtue, to what is his in strict justice. Finally (c), if you have been owner of anything and have agreed to part with it only under grievous and unreasonable pressure, you may revoke the consent thus given, and then use a reasonable amount of force to regain possession.

(2) As regards resistance to aggression, you may (a) use reasonable force to prevent anyone from taking what is yours, without your free consent ; unless (b) in the conditions set forth in the last paragraph (under c). (c) Should the aggressor, moreover, press you to consent, you may use reasonable force to resist him in this ; unless (d) he also should have at least an equitable right in the property in question ; or (e) unless, in asserting this right, he should make use of an unreasonable amount of force.

(3) With regard to the use of force in contracts, you may not (a) use grievous pressure to compel a man to resign his strict right to anything, unless you have an equitable or other such right to the same thing ; when (b) you may press him to resign, by a force which is not out of proportion to the gravity of this right which you maintain.

(4) And, finally, as to excluding from a benefit, one may not deprive another (a) of what is

Basis of Principle

already his ; or (*b*) prevent him by force from making something his which, were it not for this interference, he is free to occupy ; unless, indeed, (*c*) in either case, one should have a right in equity, to the same thing ; when one may press him, without injustice, to resign it, in case it is already his, or not to occupy it, in case he has not yet done so ; provided always (*d*) the force one applies is not out of proportion to the equitable right in question.

CHAPTER VI

A FURTHER SUGGESTION

I HAVE asked ¹ you to distinguish two cases : (1) taking the property of another, without his consent, and (2) pressing him to consent to your taking it. I have now to propose a medium between the two ; to wit, (3) preventing an owner from using his property, with a view to making him consent to resign it. You do not take the property till he resigns ; neither do you merely press him to resign ; you prevent him from using the property, as is his strict right.

This happened in the latest phase of the land agitation in Ireland,—the cattle-driving phase,—when those who drove the cattle did not appropriate either them or the farms from which they were driven ; neither, however, did they merely threaten to boycott those who owned them. They prevented the owners from making use of cattle and farms, as these had a strict right to do. It was damnification rather than appropriation ; not, however, any mere diminution of control over one's own will ; but privation of one's power to use property—cattle and farms—in a certain way. It

¹ *Supra*, Ch. iv. p. 28.

Cattle-Driving

was as if a father, instead of merely threatening to disinherit his son for marrying beneath him, were to render the marriage physically impossible, by imprisoning either the bridegroom or the bride.

Few moralists, I fancy, would deny a father the right to threaten his son with disinheritance, if he were about to make a disgraceful marriage ; but as few, I expect, would justify imprisonment in the case. As long as the young man was left free to exercise his strict right, even though the moral force of a serious threat were used to restrain him, the father would be justified ; provided he also had an equitable or other such right to maintain, and as long as the pressure applied was in proportion to this equitable right. The son however, must be allowed to have and exercise the strict right which he has—to marry ; even though he may no longer do so as freely as if the union which he contemplates were in no way unreasonable.

Dealing with cattle-driving on these lines, and supposing those who drove the cattle to have an equitable right to the farms, or to act in the interest of some community with such a right ; and supposing also—what few would deny—that the owners of the farms and cattle have a strict right to the same, even though the use which they make is inequitable ;—on these suppositions, one would say that, whereas it would not be unjust, on the part of the cattle-drivers, to press the ranchers not to use their farms and cattle as hitherto, provided these—the ranchers—were left free to use

Ethics of the Social Question

them so ; it would be strictly unjust to deprive them of all freedom in the matter, as was done by driving the cattle off the land. In other words, the cattle-drivers were free, in the hypothesis, to press the ranchers to give up the farms ; but were not free either to appropriate the right in question, without consent of the holders ; or to deprive these of the free use of the right which they held. Or again ; the ranchers, in the hypothesis,—that their action was inequitable,—might be subjected to such pressure as would diminish their will-control ; but could not, without injustice, be deprived altogether either of free-will in the matter or of the external goods of which it disposed.

You may ask,—as some of those who sympathised with the cattle-drivers did ask,—how, on the hypothesis that these had an equitable right to the land, could they defend this right against the usurpation of the ranchers ? Well, there was the old system of land agitation, against land-grabbers ; which pressed them—sometimes severely—to resign their farms, but did not prevent them from doing their best to work the land. If this method had become obsolete and useless,—which I doubt,—and if no other, except that of cattle-driving, could be found to strengthen or replace it, those whose equitable rights were violated, not being in position to maintain them without injustice, had simply to bear with the hardship to which they were subjected. Others have to bear similar hardships. If, for instance, a

Cattle-Driving

threat of disinheritance is of no avail to keep a young man from marrying beneath the condition of his family, these must bear with the disgrace ; nor may they imprison him or his intended wife, and so deprive him of power to exercise his strict right—to marry whom he pleases.

Accordingly, I am now disposed to agree with those who condemned cattle-driving as a violation of strict justice. If, however, the principle laid down by Father Lehmkuhl¹ were true,—that one can have no right to do what is in any way sinful,—cattle-driving might be defended on the ground that, as the ranch system is opposed to the public weal, and therefore to the virtues of piety and patriotism, if not of equity, one can have no right to rent or work a ranch. That the system is opposed to the public weal, would, I think, be admitted by most sensible people in Ireland.

¹ *Supra*, Ch. i. p. 19, note.

CHAPTER VII

FORMAL CONCLUSIONS

BY way of epilogue to this dissertation on the Ethics of Pressure, it may be convenient if I tabulate the conclusions to which we have come :—

I. As regards taking the property of another, against his will :—

1. Force may not be used to take what belongs to another, against his will, unless one should have a partial strict right to the same ; when reasonable pressure may be used to take it in spite of him, within the limits of this partial strict right.

2. Should one have but a right in equity or some such virtue to what is the strict right of another, one may not take it against his will.

II. As regards damage to property and interference with its use :—

1. One may not damage the goods of another, unless with his consent ; and this even though one should have an equitable right to the property in question or to any part or partial use thereof.

2. Neither may one, without an owner's con-

Formal Conclusions

sent, make it impossible for him to exercise his strict right of ownership ; and this, again, even though such exercise on his part should transgress one's equitable right.

III. As regards pressing a person to resign ownership :—

1. One may not use pressure, as distinguished from persuasion, to make the owner of a thing resign it, unless one should have an equitable right to the thing in question.

2. In case, however, one should have such an equitable right in anything, one may press its owner to resign it ; provided the pressure used is not excessive, considering the value of the thing.

IV. As regards defence of strict rights :—

1. One may use a reasonable amount of force to prevent another from taking one's property ; unless he should have a partial strict right to what he takes ; and unless, even so, he observes the limits of this partial right.

2. One may, without strict injustice, defend one's property in that way, by a reasonable amount of force, even though the aggressor, whom one resists, should have an equitable right to what he tries to take.

3. One may also, without strict injustice, use reasonable force to prevent another from damaging one's property ; and this even though he should have an equitable right to what he injures.

Ethics of the Social Question

4. One may use force, similarly, to prevent another from making it impossible for one to exercise one's strict right in anything ; even though, by such exercise of strict right, the other party should suffer an inequitable wrong.

5. One may not, however, without inequity, resist by force, however feeble, any pressure that may be applied by another, to make one consent to resign a strict right, or to make one forbear exercising it ; provided the pressure applied by him is not excessive, and also provided he has an equitable right to what he claims.

V. As regards defence of equitable rights :—

1. One may use reasonable force to defend an equitable right against an assailant, if he should have no right, either strict or equitable, to what he strives to take.

2. Should he act within his strict right, one may not defend an equitable right against him by any force which tends either to deprive him of his strict right, against his will, or to make it impossible for him to exercise such a right.

3. Even against such an assailant, however, one may use reasonable pressure, to make him consent either to resign his strict right or to refrain from exercising it.

VI. What is reasonable pressure ?—

1. Pressure is the application of force ; and force may be either physical or moral.

Formal Conclusions

2. Physical force may be defined, for present purposes, as whatever tends to move either the members of one's body or one's property, without making appeal to one's will.

3. Moral force acts, like counsel, through the will. As distinguished from counsel, it puts before the will some good or evil which may be done by the person who applies it, and which will not be done, except by him.

4. Pressure is reasonable or unreasonable according as the force applied is or is not proportionate to the right that is asserted or defended; the proportion being determined, somewhat indefinitely, in accordance with certain broad principles as to which most people agree:—as, for instance, that one may take life to defend life, as also to defend other goods of great value, but not to defend any piece of property, however small.

BOOK II

*ETHICS OF PRESSURE APPLIED TO
SOCIAL QUESTIONS*



CHAPTER I

THE MAIN POINTS IN DISPUTE

A STRIKE or lock-out may arise in two ways : either (1) on a matter of business detail ; as to which priests, as a rule,—including professors of theology,—have no special knowledge. They must be content to abide by the judgment, if they can have it, of business men who have made a study of the matter in dispute. It is a question, let us say, of wages : whether a business can afford a certain rate. Or it is some other condition of labour that is in dispute—the number of hours that men should work per day ; or the number of apprentices that may be employed. I find nothing in the science of theology to enable me to decide questions of this kind ; so, as is the privilege of the queen of sciences, she must call in one of her handmaids—represented in this case by some man of affairs or a committee of such, masters and employés, who are acquainted with the line of business concerned and may be relied on to give a report as honest as we can hope to obtain.

(2) There are, however, other questions which come into dispute ; more or less speculative principles, as to which the opinion of a theologian may be worth more than that of a business man. The

Ethics of the Social Question

questions of this kind that give rise to strikes and lock-outs are principally three : to wit, (a) whether decent wage-earners may be reasonably expected to work with blacklegs or scabs ; (b) whether they may be required to handle tainted goods ; and (c) whether trade unionists must work with non-union men. There may be other such questions that occasion trouble ; but, where the dispute is not about wages or hours of work, it can be traced, almost invariably, to one of these three.

During the recent crisis in Dublin, for instance, different complaints were made by both sides, in the press and on the platform ; epithets, such as Socialism, Syndicalism, Capitalism, being freely used, with little definite meaning ; but when at length Mr. Larkin and his followers were beaten, and it came to resuming work, the masters insisted only on an agreement to the effect that the men “ would not take part in or support any form of sympathetic strike ; that they would handle all materials, no matter from whom or how delivered, and carry out all instructions given them in the course of their employment ; and that they would work peaceably with all other employés, whether they be members of a union or not, and would not interfere with or make any objection to work with those who had already signed any agreement.”¹

¹ See a letter from Mr. J. Gibson, Secretary of the Dublin Building Trades Employers' Association, published in the Dublin newspapers of Feb. 2, 1914. In *The Freeman's Journal* of next day it was stated that the contracts affected by this

Points in Dispute

Avoiding sympathetic strikes and handling all materials come to the same thing, and mean renunciation of the principle of tainted goods ; while of the second part of the agreement,—to work peaceably with all other employés,—the first clause renounces the boycott on non-union labour, and the second that on blacklegs or scabs. Ultimately, therefore, the Dublin labour dispute resolved itself into a struggle over tainted goods, scabs or blacklegs, and non-union labour ; and the men were free to return to work on signing an agreement that they renounced the labour view on these points, no matter what other principles they might hold. The men did renounce ; but only on compulsion and for a time ; for the world knows that the struggle, on the same three points, will be resumed, whenever and wherever the wage-earners feel strong enough to bend the masters, as they themselves were bent.

In London, similarly, the Master Builders' Association had made it a condition of employment that men would sign the following undertaking :—" I agree, if employed by you, to peaceably work with my fellow-employés (engaged either in your direct employment or in that of any

settlement involved the employment of 6,000 men, tradesmen and labourers, and that 2,000 had signed the agreement.

So, too, after the Dublin timber strike in 1911, the men had to sign the following agreement, as a condition of being allowed to resume work :—" Carters to deliver goods wherever instructed, and, with labourers, to work amicably with all other hands." See an official statement of the Timber Merchants, published in the Dublin press on Nov. 27, 1913.

Ethics of the Social Question

sub-contractor), whether they are members of a trade society or not ; and I agree that I will not quit your employment because any of my fellow-employés is or is not a member of any trade society ; and I also agree that if I commit any breach of this agreement, I shall be subject to a fine of 20s. ; and I agree that the amount of this fine may be deducted from any wages which may be due to me.”¹

This led to the London Building Strike and Lock-out of 1914 ; which at one time threatened to become national. The masters withdrew, or modified, the penalty clauses (April 6) ; but continued to insist on the first part of the agreement—about blackleg and non-union labour. Ultimately, therefore, it was over these two questions, and these only, this great struggle came to be waged.²

That in the United States it is not different one may judge from what took place, about the same time, in the Ludlow mining district of Colorado ; where, about April 21, 1914, a pitched battle of fourteen hours' duration was fought, between miners and soldiers, with a result of “ forty-five dead, more than two-thirds of them women and children, a score of missing, and more than a score of wounded.” Such is the report in *The Times* of April 23, from its correspondent at New York ; who adds, significantly, that “ the strike, which

¹ See *The Times*, Jan. 16, 1914, p. 47.

² *Ibid.*, April 7, p. 5 ; also a leading article in the same journal, June 10, 1914.

Points in Dispute

has been proceeding for months, with constant bloodshed, was the subject of evidence given at Washington by Mr. J. D. Rockefeller, Junr. Mr. Rockefeller, Senr., owns 40 per cent. of the shares in the Colorado Fuel and Iron Company ; and Mr. Rockefeller, Junr., said he was ready to sacrifice all the capital he had invested in the company to uphold the right of non-union men to work for whom they please."

The London *Board of Trade Labour Gazette*, dealing with this event, in its issue of June, 1914, and quoting from a despatch to the Foreign Office from H.M. Ambassador at Washington, dated May 11 of the same year, says the strike began in the September previous. "The evidence as to what are the principles in dispute is stated to be conflicting. The demands of the men would appear to be as follows: (1) recognition of the Union; (2) an eight-hour day; (3) semi-monthly pay; (4) check-weighmen to be elected by miners; (5) the right to buy at other than the mine-owners' stores; and (6) ten per cent. increase in wages. It is maintained, on the part of the mine-owners, that the sole issue is the demand of the strikers that only union labour shall be employed; and that, to surrender the principle of free labour would involve dismissing 90 per cent. of the workmen. . . . The United Mine-workers have stated that the exclusive employment of unionists is not the issue, and that a settlement cannot be reached if the mine-owners refuse to receive

Ethics of the Social Question

committees appointed by the men to present their grievances.”

So that, though trade-unionists professed to make no demand that they should not be asked to work with “free” labourers, the masters insisted that this was the real question at issue ; and said they were ready to defend free labour with their last dollar. Whether in Colorado, London, or Dublin, they were, and are, of the same mind.

We may take it, therefore, that strikes are likely to arise in future over three main principles : employment of blacklegs or scabs, tainted goods, and non-union labour. And as these principles,—unlike so many questions as to wages, hours of work, and such,—are well within the scope of ethical and theological science, I propose to deal with them in consecutive Chapters. Even as regards wage questions, there are fundamental principles on which ethical science has a right to be heard ; so I propose to add, in a fifth Chapter, something that priests, as I think, might bear in mind on that aspect of the subject.

CHAPTER II

SCABS OR BLACKLEGS

THE term "scab," as I understand it, designates, in its widest sense, a labourer who refuses to comply with some condition which his fellows regard as being at once reasonable and necessary for the welfare of their class. These others refuse, in consequence, to work with the scab. They do not interfere with his person; nor deprive him of power to work, either by imprisoning him or destroying or detaining his tools. They simply boycott him and his employers, so far as not to work for or with them; just as Irish tenant farmers and their sympathisers boycotted rack-renting landlords and land-grabbers in the Land League days.

This, at least, is the theory, I understand. But as in the course of the Land League agitation, some of the farmers or their sympathisers were not content with boycotting, but injured or even destroyed the cattle and other property of their opponents; sometimes going so far as to assault the person; so men on strike have been charged with not confining their hostility to mere refusal to work with scabs. We have heard that picketing has not been always peaceful: that it has

Ethics of the Social Question

developed into assaults on those who came to or went from work ; that even the factory or workshop was damaged ; or that vehicles and horses were injured or destroyed.

I have little doubt that some of these charges were well-grounded as against the Land League ; and that the labour movement is hampered similarly, by the excesses of some of those who strike or who sympathise with strikers. It should never be forgotten that the land agitation in Ireland was a revolution ; as is also the world-wide struggle of labour against capital. No revolution, however, was ever conducted to successful issue on strictly academic lines. And as, in Ireland, the Land League disclaimed responsibility,—reasonably, as I think,—for the outrages that were committed during the agitation ; so I deem it unfair to condemn trade unions merely because of excesses committed by members or sympathisers over whom they have no perfect control. As well blame any of the countries now at war, for the unauthorised crimes of its soldiers ; or condemn war as absolutely immoral, on the ground that it never was and never will be waged without such excesses.

Some measure, nevertheless, is reasonably demanded, even in war and revolution—some proportion between the resultant good and the evil wherewith the movement is accompanied. No man or body of men has a right to wage war with an utterly lawless horde ; nor have the leaders of any revolution, or of any reform, a right to engage

Scabs or Blacklegs

in it unless they can keep their followers in check, to some extent. The greater the necessity,—which means the better the good result to be hoped for,—the more allowance will be made in this respect.

In theory, accordingly, strikers do no personal injury to scabs or their employers; nor is the property of either detained or damaged, so as to make it impossible for them to work. They are boycotted, or left severely alone,—to do all they can; whereby, though their free-will is diminished, it is not destroyed; nor are they deprived of physical power or occasion to put it into execution.

Now, when dealing—in Book I.—with the Ethics of Pressure, we found that while one may not, when defending a merely equitable right against an assailant who acts within his strict right, use any force that tends either to deprive him of his strict right, against his will, or to make it impossible for him to exercise such a right; one may, “even against such an assailant, use reasonable pressure to make him consent either to resign his strict right or to refrain from using it.”¹ The real question, therefore, as regards scab labour, is whether scabs are guilty of inequitable conduct—towards their fellow-labourers on strike; and, if so, whether the boycott to which they are subjected is out of proportion to their offence.

Are scabs guilty of inequitable conduct? It depends on the anterior question, whether the

¹ *Supra*, Bk. I. Ch. vii. sec. v. p. 50.

Ethics of the Social Question

strike was justified. If so, the employer in the case is unreasonable ; and it seems unreasonable for workmen to take the posts vacated, and so help the employer to carry out inequitable dealing with those on strike.

This, at least, is how priests, as a rule, looked on the parallel case,—of grabbing,—in Ireland, at the time of the land agitation. They considered whether the evicted tenant was harshly—in-equitably—treated by his landlord. They did not inquire whether the landlord was guilty of strict injustice : whether he, and those who took the vacant farms, were bound to restitution. Few confessors,—if any,—insisted on, or even thought of, restitution. On the other hand, Irish priests had,—and professed to have,—no sympathy with tenants who, though evicted, had received no harsh treatment at the landlord's hands. His right to evict was recognised, provided the rent and other conditions of tenure were reasonable—equitable. If they were not,—if the rent, though not strictly unjust, was a rack-rent,—the tenant was regarded as justified in resisting, and deserving of support in his resistance ; provided he did not retain possession of the land,—thereby taking the landlord's property without his consent ; and provided also he did not make it impossible for the landlord and those who sided with him to make whatever use they could of the property. The tenants were advised to let them do so, but to let them alone—to refuse co-operation [with anyone

Scabs or Blacklegs

who took part in enforcing those rack-rents.¹ How severe this pressure was will be known to those who heard the landlords' complaints of boycotting ; complaints which were not confined to Ireland, or even to the British Islands, but reverberated over the world. Yet there can be no doubt that the priests of Ireland, with few exceptions, approved of the boycott, if they did not even take part in it.

The parallelism between land-grabbers and scabs is clear, on the hypothesis that a strike is justified, by reason of harsh or inequitable treatment on the employer's part. There is but a difference of terminology between rack-rent and starvation wages ; one being the inequitable price of labour, while the other is inequitable price of land. If, then, tenant farmers may refuse to have business dealings with a grabber, why may not labourers refuse to work with scabs ?

Apart, however, from this appeal to Irish priests, for consistency, let us look at the question under the light of pure reason ; that is, under the light of

¹ This was the advice given up to the time of the Plan of Campaign ; which I regard as unjust, on the ground that it did not merely press the landlords to resign their strict rights, but deprived them of these rights without their consent. For, surely, the landlords had some strict right in the farms ; and, no less surely, they were deprived of the use of this right under the Plan of Campaign. It has been argued that the tenants also had a partial interest, or strict right, in the farms ; and that they merely defended this. They had such an interest, no doubt ; but it was conditioned, on the payment of rent. And, in any case, the tenants, in defending their interests, had no right to seize on the property of the landlords. This, as we have seen (Bk. I. Ch. vii. I. p. 48), is indefensible.

Ethics of the Social Question

the Ethics of Pressure, as set forth in Book I. There¹ we found that, whereas one may not take by force what belongs to another, unless one should have oneself a partial strict right therein, when one must be content to take merely what is one's right ; nor may one deprive an owner of the use of his property, even though he should strive to use it so as to contravene one's right in equity ; one may, while leaving an owner power to use his right inequitably, press him to forbear doing so, provided the pressure applied is not excessive, considering the inequitable wrong² of which one has to complain. Applying this to the case before us, we find that strikers, even though their strike should be justified, may not take by force what belongs either to their employer or to anyone whom he may employ ; nor may they use physical force to prevent him from working, or to restrain anyone from working for or with him. They may, however, use not only persuasion, but moral pressure, to restrain both the employer and those whom he may employ from inflicting, or continuing to inflict, the inequitable wrong which was, and is, the cause of the strike. Refusal to work with scabs is such moral pressure. Hence, according to the general principle, those whose strike is justified may, with any who sympathise with them, refuse to work with scabs ; unless, indeed, the pressure thus exercised should be excessive.

Is it excessive, considering the rights that are at

¹ *Supra*, Bk. I. Ch. vii. pp. 48 ff.

Scabs or Blacklegs

stake? I find it hard to think so. Professional men, as we shall see, refuse to act with those who fail to comply with the etiquette of their profession; nor can I find fault with them, as long as the etiquette which they insist on is reasonable and fair. Merchants and shopkeepers also, as we shall see, refuse to deal with those who do not observe certain rules of trade; nor can I blame them, if they insist only on the observance of fair rules. I have known a physician to be so severely boycotted on this account, that he had to give up the practice of his profession; and there is not a business firm the world over but would have to close its doors if it failed to observe certain rules of trading. This pressure is quite as severe as that which workmen apply, by refusing to work with scabs; while the interests at stake are not more serious, comparatively. For, as a strike on the part of workmen is not justified unless grave interests of theirs are imperilled; in maintaining such a strike, when it has occurred, they have an interest as dear, to them, as professional men and merchants have in insisting on the rules of their trade or profession.

Accordingly, when the Dublin Timber Merchants made it a condition of employment that the men should sign an agreement to "work amicably with all other hands"; and when the Master Builders of Dublin insisted that,¹ before resuming work, men should agree not to "interfere with in any

¹ *Supra*, Bk. II. Ch. i. pp. 56 ff.

Ethics of the Social Question

way, or make any objection to work with, those who had already signed any agreement ” ; the condition could be justified only on the hypotheses (1) that the strike then closing had been unreasonable on the men’s part, and (2) that the condition referred only to working with those by whom that strike was broken. If it were meant universally,—and so, I believe, the masters meant it,—as a claim on their part, to employ any man they liked ; even those who may side against the workmen in any future strike ;—for masters, naturally, refuse to admit that a strike is ever justified, by reason of harsh or inequitable conduct on their part ;—taking the condition thus, universally, in its natural meaning, and as, I believe, the masters meant it, I cannot help regarding it as harsh and inequitable.

The most the strikers should have been asked to admit, before being allowed to resume work, was, that the strike then on was unreasonable on their part ; that, as a result, the masters were justified in getting other men to take up the posts vacated ; and that these new employés did nothing to deserve ostracism on the part of their fellow-workmen. The future should have been left to provide for itself ; or, at the most, in case the masters wished to lay down the law, they should not have gone beyond requiring from the men an agreement to work with anyone whose only offence was that he helped to break a strike that was unreasonable on the part of the strikers. To demand an admission, either that, in the case of strikes, the

Scabs or Blacklegs

master is always right and fair, and the men always unreasonable; or that, even though the master should be wrong, blacklegs may not be ostracised for assisting him:—this, I submit, is too much to demand of any workman as a condition of employment.

Whether the Dublin workingmen,—who would themselves admit that they made mistakes of strategy and tactics,—were justified in the struggles of 1911 and 1914, depends largely on further questions,—of tainted goods and non-union labour,—with which I shall deal in the following chapters.

CHAPTER III

TAINTED GOODS

GOODS are “ tainted, ” to the labourer, when he may not touch them, to manufacture or forward them. And as the cause of the taint is that they have been manufactured or forwarded, so far, in defiance of some body of men on strike ; so that to refuse to handle the goods now is to show effective sympathy with the strikers ; holding goods as tainted results of necessity in a sympathetic strike ; unless, indeed, employers also recognise the taint and refuse to order the men to handle the goods in question. As, however, in practice, masters will not do this ; but require their men to handle such goods, under penalty of dismissal ; there is nothing for it but a second—sympathetic—strike, if the men persist in maintaining the taint. Hence tainted goods and the sympathetic strike present the same question of principle under different aspects.

It must be admitted at once that any strike—the sympathetic included—may be unjust, like any war or contest whatsoever. Hence if, on the occasion of a sympathetic strike, an employer were to say to his men : As the strike at such a place is unreasonable, it is unreasonable on your

Tainted Goods

part to support it, by refusing to handle the goods that have been made or forwarded in despite of the strikers ; and therefore you are required to handle these goods, under penalty of dismissal :— if an employer were to take this attitude, one might dispute the fact that the original strike was unreasonable ; but, given this, one could not fairly question the logic—that it would be unreasonable, in that hypothesis, for the employes of other firms to refuse to handle any goods that had been made or forwarded in spite of such an unjustified strike.

This, however, as I understand, is not the attitude of employers ; who insist, on the contrary, as did the Dublin Timber Merchants, that the men shall “ handle and deliver all goods from any source whatsoever ” ; or, as the Master Builders of Dublin put it, that the men shall not “ take part in or support any form of sympathetic strike, ” but “ handle all materials no matter from whom or how delivered. ” This demand implies either that no strike anywhere can be justified ; or that it cannot be so reasonable as to entitle workmen elsewhere to support the strikers by refusing to handle the goods made or forwarded in spite of them. And as all masters now admit the right to strike, given sufficient cause ; which implies that the original strike, by reason of which the goods are tainted, may be justified ; the master’s refusal to recognise a taint comes really to this, that no strike elsewhere can be so reason-

Ethics of the Social Question

able as to justify them and their employés in refusing to handle goods made or forwarded in spite of that strike ; and, especially, that no such strike can be so reasonable as to justify employés, against their masters' orders, in holding as tainted the goods made or forwarded in spite of the strike in question.

This, I think, is a very serious attitude to take, seeing how free we regard ourselves,—individuals, and even nations,—to support our friends and allies in their just quarrels. Pure charity, it is held, justifies one in succouring the oppressed ; even though one should have no personal interest in doing so. One may cudgel a robber, merely to loosen his hold on a neighbour's purse ; though the man who is being robbed may not even be a friend. Much more if one had a personal interest in the case ; as England has in helping France and Belgium. Should France be justified in her quarrel with Germany, would it not be right for England to aid her ? If the carpenters of Dublin are engaged in a just strike, have not I or any other individual,—but, most of all, a trade union,—a right to assist them by money ? And if one union may support another in that way, why not by the more efficacious means of refusing to handle goods made or forwarded in spite of them ? That this means is more effective than money, is shown by the fact that employers feel so much more aggrieved by the sympathetic strike.

The question of the morality of this mode of

Tainted Goods

action came to a head in Ireland during the land agitation; when men were boycotted, not for evicting farmers inequitably, but for taking the farms thus made vacant; and for dealing either with the landlord who evicted or the grabber who co-operated. The boycott extended so far, in some cases, that people were ostracised for having had dealings with shop-keepers and artisans whose only offence was that they had dealt with those who had had dealings with the landlords or grabbers aforesaid. This was done, to a very large extent, with the approval and co-operation of the priests of Ireland; which, though it affords no proof that the practice is justifiable, should, I fancy, make Irish priests cautious as to how they condemn the parallel practice of the sympathetic strike,—which is sympathetic boycotting under another name.

The fact is, moreover, that in many cases,—especially in the transport world, where men can be trained in a short time,—a strike has no chance of success unless goods handled while it continues are thereby tainted, so that they will not be received or forwarded by other companies. There was, for instance, but a few years ago, a strike of porters on the Great Southern and Western Railway of Ireland; when the Manager had only to put up his finger to get plenty of men, from all parts of the country, to take up the vacated posts. In these circumstances, how could the strike succeed—so long as the goods handled by the newly-

Ethics of the Social Question

hired porters were received and forwarded by other carriers? On that occasion there was no sympathetic action on the part of the other companies; with the result that the strike was a complete failure; as it was bound to be, however it may have been justified.

Some time later,—at the beginning of the recent Dublin troubles,—when a number of the employés of the Dublin United Tramways Company struck, the Directors had no difficulty in getting men for the vacant posts; with the result that, after the few days which it took to train these new hands, the cars ran as usual. The strike was a failure; and could not have succeeded, however justified, as long as there was no penalty, such as a taint, for persons trading with or goods handled by the company in spite of the strikers. Nor, as far as one can see, has any body of transport workers the least chance of success in a strike, however just their cause, as long as the goods handled by the company during the strike are freely received and forwarded by other companies. The English labour unions might have continued their foodships till the crack of doom, without compelling the employers of Dublin to surrender; as long, that is, as the goods handled by the strike-breakers, who were to be had in plenty, were freely received and forwarded by the dockers and railway-men of England. This, I understand, was the basis of Mr. Larkin's complaints against the English unions, — complaints which, unfortunately for

Tainted Goods

those whom he led, he did not always formulate judiciously.

It does not follow, however, that a measure or policy is ethically defensible, merely because, in a certain contingency, it is the only one that can command success. Utility is not the only test of moral goodness. We have, accordingly, to examine this question of tainted goods,—which is that of the sympathetic strike,—in the light of the conclusions already deduced from the principles of the Ethics of Pressure.

It is admitted that such a strike means pressure applied to employers against whom their employés have no complaint, except that they co-operate in an unjustifiable attack which is being made on other employés. For it is supposed here that the original strike is justified, on the men's part ; else there could be no question of permitting others to strike in sympathy with them. But a strike which is justified on the men's part, implies an unjustifiable attack on the part of their master ; so that, as far as one can see, the only questions are : (1) whether a firm co-operates in such an attack by receiving goods from the aggressor firm ; (2) whether such co-operation is unjustifiable ; and (3) whether, even so, the pressure of the sympathetic strike is or is not out of proportion with the wrong that it aims at redressing.

(1) I find it hard to deny that those who trade with a firm whose men are on strike, help the firm in its contest with the men. If, as is contended,

Ethics of the Social Question

it is a severe blow not to deal with the firm,—which is the injury laid to the charge of those who boycott goods or persons,—it must, conversely, be a notable help to trade with them and so keep them going; especially when their position is assailed. And if they are using their trade to make an inequitable attack on any body, whether of employés or of rivals; by helping to maintain this harsh dealing, one co-operates with it; and, unless the co-operation is justified, one becomes in some measure responsible for the inequitable result. Accordingly, I find it hard to deny that, by receiving and forwarding goods that have been handled by a firm whose men are on strike, one co-operates with the firm, against the men; and that this co-operation needs to be justified, by some counterbalancing reason,—where the strike is justified.

(2) That there may be sufficient counterbalancing reason cannot well be denied; as also that such reason is all the more easy to provide, the less the co-operation, and the more remote. Should a Californian railway company, for instance, be asked for a ticket worth a dollar, by someone who, while in England last summer, bought there a tainted hat or pair of boots; the employés of this Californian company could not reasonably expect the directors to refuse the ticket till they had made inquiry as to the justice of the taint; nor, if they give the ticket, would it be aught but foolish on the part of the same employés to go

Tainted Goods

on strike at once, in sympathy with their English comrades. This, surely, is common sense ; which itself is the ultimate criterion of morality.

But, then, even though it be granted that there may be sufficient reason to justify indirect co-operation with an employer who, by his harshness, has given reasonable cause for a strike ; must it not be admitted also that there may not be any such reason ; and this especially if the co-operation should be very helpful, on account of its quantity or quality, or if it should not be very remote. A strike, it must be remembered, is war ; and a sympathetic strike a blockade—one of the well-recognised and legitimate modes of warfare ; which, however, cannot be even partially effective if every trading company is left free to sell to and buy from the blockaded foe.

(3) Taking it, then, that there may, on occasion, be no sufficient reason for co-operating with an employer who has given his men just cause to strike ; we have to inquire, further, whether a sympathetic strike may not be punishment disproportionate to such co-operation. And I should say, as before, that it depends—on the amount of the co-operation ; as also on its proximity,—at least, as a rule. If harsh treatment of its employés, say, by the Great Southern and Western Railway of Ireland, is the cause of the original strike ; the shipping companies of Dublin, Cork, and Waterford, by handling the goods forwarded by the scabs employed by the railway, co-operate more

Ethics of the Social Question

closely and effectually in the hardship done those on strike, than does some English railway to which part of these goods may be forwarded ; or some French or German railway by whom some of the same goods may be carried later. And it does not follow, because it may be inequitable for the Dublin shipping companies to receive and forward the goods, that it must be no less surely inequitable for any French or German railway company to carry even a penny-worth of the same. Or, if these also are inequitable, at least in theory and objectively, it does not follow that their offence is so great as to justify a sympathetic strike on the part of their employés. The greater the distance from the original centre of disturbance, the less the co-operation—and the responsibility, as I think ; and therefore the less justification for a sympathetic strike.

It was, I suspect, partly on this account that the Holy See condemned boycotting, as practised in Ireland during the land agitation. For though, from the reasons attached to the decree, it might seem as if boycotting were condemned absolutely, in all circumstances wherein anyone is ostracised for doing what he has a strict-right to do ; you may notice, in the first place, that no distinction is drawn between equitable and strict rights ; so that, as regards boycotting, the condemnation may apply only to cases in which those who have been ostracised were guilty, not only of no strict injustice, but not even of inequitable conduct.

Tainted Goods

The language, moreover,—“ut nova quadam persecutione et interdictione saeviatur”—suggests that part of the case against the League was the bitterness of the persecution,—which, as was alleged, did not stop short of injury to person and property; as well, possibly, as the length to which the boycott was carried—not only against grabbers themselves, but against all who aided them, however slightly or remotely.¹

¹ Part of the reason attached to this decree runs as follows :—
“A naturali justitia et christiana charitate est omnino alienum, ut nova quadam persecutione et interdictione saeviatur, sive in eos qui contenti earum pensionum, de quibus cum dominis praediorum convenerant, eas potius solvere parati sunt; sive in eos qui vacuos fundos, utentes iure suo, conducunt.”

That, notwithstanding this decree, boycotting is not to be regarded as immoral in every case, would appear from a letter that was sent recently, by the Bishop of Galway,—an authority on Justice,—to the Parish Priest of Ballinderreen, which is in one of the dioceses ruled over by his Lordship. An old man had been murdered there a short time before; and the Bishop's object in writing was to urge those who knew the murderers to give information to the police. He said, moreover, that he would “hold the whole parish responsible, till they proved themselves Christians by protesting publicly the horror they feel at such an outrage perpetrated in their midst.” “Till then,” he added, “the parish of Ballinderreen will be a byword and a disgrace; and if nothing else can bring them to Christian sense, I hope the good people of the neighbouring parishes will take them in hand by making them feel that they are the lepers and outlaws of these dioceses.” “These,” he continued, “are strong words; but they are deliberately chosen as true and just. . . . The people of Ballinderreen are worse than the Pagan Blacks, and it will go harder with them on the Day of Judgment.” Extracts from the letter were published in the Dublin morning papers of March 15, 1915; the strong words were quoted also in the London *Times*, and perhaps in other London newspapers.

Here were whole parishes incited, deliberately, by their Bishop, who is an expert on Justice, to regard the people of a neighbouring parish as “worse than Pagan Blacks,” and to treat them as “lepers and outlaws.” If that is not boycotting,

Ethics of the Social Question

If this is not the true interpretation ; or if the official teaching is that no pressure may be used to restrain a man from doing anything which he may do without strict injustice, though not without breach of equity ; I do not know how we can justify almost any strike. For it is plain that strikers use pressure ; as it also is that they apply it, almost in every case, to restrain masters from doing what they may do without strict injustice. It is but rarely, as I conceive, that employers are guilty of injustice in the strict sense, towards their servants ; even when, by reason of the harsh bargain they have made as regards wages, or any other harsh use of power, the employés are justified in striking. I, for one, do not relish the prospect of having to persuade the workingmen of Europe and America that they may not use pressure, even of the strike, against harsh or inequitable dealing, but only against strict injustice, on the part of their employers.

If, then, priests should be called on at any time to condemn a sympathetic strike, let us not do so on the general principle that such a movement is always and everywhere immoral ; but for

Captain Boycott has lived in vain. I do not at all say that it was not justified ; but only that, if it was justified, boycotting is not always immoral.

While these sheets were going through the press, his Grace the Archbishop of Dublin published Regulations for Lent (1920), wherein he advised his flock not to "leave a penny of their money for the purchase of anything,—harmless or even good, though it may be in itself,—in any place in which publications of a demoralising or debasing character are known to be on sale" ; that is, putting it plainly, to boycott such establishments.

Tainted Goods

reasons peculiar to the strike in question : because, for instance, it is being used, in this case, to support an original strike which is unjustifiable ; or because, perhaps, the connection between those who strike in sympathy and those who struck originally is not close enough to justify a measure so serious. Either or both reasons may well be present :—and so may neither.

It remains to deal with some arguments that have been urged, with confidence, against sympathetic strikes which have recently occurred.

1. One is, that the principle being admitted, there is no limit to its application. A railway company, for instance, deals harshly with its servants ; who strike. Is A.B. a scab, and to be treated as such, merely because he travels by the railway ? If so, and suppose he passes on to another line, is this also to be boycotted ; and are its servants to go on strike, merely because the company did not refuse to carry A.B. ? Suppose he buys a loaf from a baker, are the baker's employés also to go on strike ? And, in case they do not, is any firm that serves them to be boycotted by its servants ? The thing, it is urged, is endless and destructive of all social order.

The argument is specious ; but no more. On similar lines one could show, with almost equal force, that no strike, or fight of any kind, is justifiable ; for where exactly will you draw the line ? Can anyone say what is the minimum of offence or injury which would make a *casus belli* for

Ethics of the Social Question

England? She may fight to defend her soil, from invasion; her commerce, from unfair competition; but is every little unfair trick of trade of sufficient importance to justify an ultimatum? If not, where precisely will you draw the line?

So with regard to alliances, defence of treaties and of small nationalities,—which implies sympathetic striking. She may strike, with all her might, not to let France go down, or Belgium; but what of Italy, Bulgaria, Patagonia, or Timbuctoo? Where will you draw the line, if once you admit the legitimacy of any merely sympathetic struggle? We all have problems of this kind to face, every day; and we solve them, more or less wisely; being sometimes quite sure,—that we may, ought, or ought not, to interfere; while at other times we hesitate and know not what to do. Why should not the same hold of strikers? Why may not the dockers of Liverpool see clearly that it is their right,—nay, possibly, their duty,—to help the railway-men that serve Liverpool; though, for lack of the same close interest, they are not called on to interfere in a similar quarrel in Calcutta or Tokio? As to Manchester or London, there may be room for hesitation. That is the reply to the first argument.

2. It has been urged, secondly, that, if there are to be sympathetic strikes, the transport workers will be always idle; as there is always a strike somewhere, goods being tainted thereby. If all such goods are taboo,—so that dockers and

Tainted Goods

railway-men may not handle them, but must rather go on strike,—they may count on being permanently unemployed.

Here, again, the reply is that it is not necessary to force a principle to extremes. We all, I suppose, are ready to assist our neighbours ; though, if one were to assist everyone who is in trouble, one should do nothing, and have nothing, for oneself. Common sense helps us to make distinctions, between those who are more or less connected with us. Sometimes, of course, we are selfish, and do not fulfil our duty to the neighbour ; again,—not very often,—we are prodigal of assistance, giving it where we are not called on to interfere. We see the way clearly at times ; whereas often we are in doubt or confusion. Why should not the same hold of trade unions ?

Transport workers may be depended on, with a little time and experience, to distinguish, as well as individuals, between those who are so closely connected or allied with themselves as to make it prudent, and justifiable, to assist them in their quarrels, and those with whom they have no such close connection. Here the union will give assistance, rightly ; there it will refuse, rightly also ; in another case it will give or refuse assistance, wrongly ; and often it will be puzzled what to do : just like individuals. It is so with nations. England knows, or thinks, she must stand by France and Belgium ; not, however, by Serbia or Finland ; while, as for helping Greece

Ethics of the Social Question

or Italy, she might be in doubt. Doubts and hesitations of this kind do not prevent her from seeing what is clearly her interest,—as also her right and duty,—as regards France and Belgium : why may not the same hold of transport unions ?

3. Again, employers have argued, with insistence, and great satisfaction to themselves and their sympathisers, that, if goods are to be taboo, by an unreasonable lock-out or justified strike ; whereas they may be handled freely, should the lock-out be justified or the strike unreasonable ; masters and their employés shall have to sit in judgment on every labour quarrel, so as to decide whether it is just or unjust ; with the result that, even though they could reach a decision,—as they could not,—their whole time would be occupied by these investigations, and business would be paralysed.

Which, beyond doubt, is ample reason why men of business should not be required to sit in judgment on every strike or lock-out the world over ; nor even on all those which occur within their own borders : but why not on some ? Do they not, as a matter of fact, pass judgment on many ; the masters deciding always, as far as I can ascertain, against the men ? In Dublin, during the recent crisis, hundreds of firms, few of whom had any trouble of their own, clubbed together to lock their men out ; because these sympathised with and assisted men who struck or were locked out elsewhere. The same occurred in London, during

Tainted Goods

the building-trade dispute ; when other Master Builders, all over England, were urged to lock their men out, in sympathy with the London firms. Was this done without inquiry into the merits of a dispute elsewhere ? And was not this inquiry such as masters are wont to deprecate, as impossible and ruinous, when asked to undertake it in the interest of the men ? If the sympathetic strike implies investigation of disputes elsewhere, so does the sympathetic lock-out ; and as employers lock their men out, in sympathy with other masters,—presumably after due inquiry into the merits of the dispute elsewhere,—it cannot be impossible to make some such inquiries.

The sympathetic lock-out and the sympathetic strike are almost, if not quite, parallel ; one resulting in tainted labour, the other in tainted goods. Both are pressure applied in a quarrel which is not one's own ; or was not so originally. Both imply investigation of the original cause of trouble ; and if masters can, as they do, make this inquiry, in their own interest, they cannot reasonably complain if the men do likewise, where it concerns them. This implies an admission, by both parties, that investigation is possible in all cases where sympathetic action is taken ; and if either man or master can make such an investigation in his own interest, it is not impossible to make it in the interest of the other side.

4. Finally, it has been said by those who represent the public carrying companies, that they

Ethics of the Social Question

cannot legally refuse to receive and forward any goods that may be offered for transport ; and that, if they did refuse, to satisfy the men on strike, they would be ruined by fines.

Which, it must be admitted, is a hardship, to be put into the balance when weighing the reasons for and against a strike. Should it be found, however, that, in case the company is allowed to do what the law regards as its duty, the men on strike will have to face the ruin which the company escapes—what then ? If ruin is inevitable, to either party, would it not be as well to contrive, if possible, that it should not fall every time and only on the workingmen ?

Or is it contended that, apart from the question of ruin, one is bound in conscience to observe the law ? Sometimes, even, it is said that there is a higher law to observe—the very highest ; which is the public safety ; for if the carrying trade were stopped everywhere, universal famine would be the result.

Which proves, truly, that such universal paralysis should be prevented, by legal pressure applied to somebody ; but why only to the men ? If they have a real grievance,—as they may have, for all the legal authority you may array against them,—and if they cannot get redress by any of your legal methods ; perhaps it is to these very methods the pressure should be applied ? Save the people, no doubt, in case of emergency ; by the readiest, even though roughest, method ; which may be

Tainted Goods

by getting soldiers to do the scab-work refused by the workingmen ; but God help the people among whom this happens, not once only, but again and again ! Are soldiers kept in the interest of employers only ? And are they not paid also, in good part, by the workers ?

Suppose it were said that one of the causes that lead to the paralysis which you fear, is the fact that these public carriers shirk their duty—of *not* carrying, when to do so would be to co-operate in harsh dealing ;—would not there be some truth in that ? If so, will you allow the pretence, and the harsh dealing, to continue ; and will you be justified in using the soldiers,—always against the workingmen,—to avert paralysis a second, third, or even a hundredth time ?

It is, no doubt, very lamentable that the law cannot be observed ; but how can it, if it allows either men or master to act inequitably ? You permit a master, say, to make what bargain he can ; and he, having on his side the force of money, deals harshly with his workmen, who must bear or starve ; as you allowed Irish landlords to rack-rent their tenants ; who, having no redress from law, bore till they could bear no longer ; when they broke the law, and only thus got you to amend it. I do not suppose it possible for you so to legislate or adjudicate as that there will be no harsh dealing ; nor, even though it were, do I know that it would be advisable so to regulate all the affairs of life. Parents, schoolmasters, and

Ethics of the Social Question

such, do well to let their charges fight out among themselves some of their little battles ; and so, possibly, the State might let its children settle many things. If it should, we must not be surprised if some of us are restrained from doing what the law allows us to do. When, moreover, the State does interfere ; and, with its law, sanctions wrong to any man ; thereby violating a higher law—of nature ; let it not be surprised if this breach of higher law results at length in contempt of its own no-law ;—contempt of it and of those who plead the necessity of observing it, as their excuse for co-operating in oppression. So it was in Ireland, when the law sanctioned rack-rents and enforced them by eviction. Little respect either priest or peasant had for laws of that kind, or for the tribunals that enforced them. And are harsh employers so very different from rack-renting landlords that the former should be privileged in this respect ?

NOTE.

Chapter III., as has been observed, was written soon after the great war broke out. Since then the famous Triple Alliance was formed in England, between three great trade unions,—Transport Workers, Railway-men, and Miners,—who mutually agreed to support one another by striking in sympathy. As we have not been hearing this denounced as of itself immoral, it must be that people have become more tolerant of the idea of a sympathetic strike.

CHAPTER IV

NON-UNION LABOUR

WE come now to the third of the main principles in dispute between Capital and Labour: whether, that is, it is reasonable to expect trade unionists to work peaceably with other men, as well qualified; who, however, refuse or have failed to join any union. It is, as I think, a much more difficult question than either of the others; one, therefore, to be approached with humility, caution, and, above all, with an open, docile mind.

At the close of the Dublin labour troubles, in 1914, the Master Builders, as we have seen, made it a condition of employment that the men should agree to "work peaceably with all other employés, whether they be members of a union or not." Previously, the Timber Merchants of the same city had required their employés to sign an agreement to the same effect—that they would "work amicably with all other hands." The same demand was made by the Master Builders of London, and was backed by their fellow-tradesmen all over Britain. It was, as we have seen, made by Mr. Rockefeller in the Colorado strike; and was—as he thought—the main question at issue between him and his employés.¹ We may take it, I think,

¹ For evidence of these facts see *supra*, Bk. II. Ch. i. pp. 56 ff.

Ethics of the Social Question

that, however the workmen, here and there, may have been starved into relinquishing their claim in this respect, it is only for a time—till they pull themselves together for another trial of strength. The question will be brought up again, and again ; and will be the occasion of many a future struggle. So, if you would know where you stand in the Labour world, you must decide, once for all, whether you think trade unionists have a right to ostracise those of their fellows who remain outside the unions ; or, to put the question differently, whether masters have a right to refuse employment to any man who will not work with non-union men.

In studying this question I notice, in the first place, that, while the masters seem to claim the right to employ whom they like, and to put those whom they employ at any work they like ; they do not make this claim absolute. For no master, as far as I can ascertain, claims the right to employ and put at tradesmen's work those who have not served their time regularly as apprentices to the trade. Masters, in other words, do not really insist that the tradesmen whom they employ shall work with other employés who, however great their skill, did not serve a regular and full apprenticeship. Here we have an implied admission that artisans have a right, first, to require reasonable apprenticeship to their trade ; and, secondly, to refuse to work with any man, however skilful, who has not served such an apprenticeship. There

Non-Union Labour

is, therefore, a recognised limit to the right of masters to employ whom they like, and to put those whom they employ at any work they like—to work there with any other employés whomsoever. This may prove to be the thin end of a wedge of considerable power.

I notice, moreover, that the masters' claim,—to employ whom they like,—applies, in practice, only to unskilled labourers; not to tradesmen. A certain number of masters, no doubt, still employ non-union artisans; but as many, if not more, employ only union men; thereby admitting, implicitly, that skilled tradesmen have a right to insist that men shall join their union, under penalty of ostracism by their fellows of the trade. The masters' kingdom is divided; which means, practically, that the question before us has been, or is being, decided in favour of the men; so far, that is, as skilled labour is concerned. The reason is, perhaps, that tradesmen, being few, as compared with unskilled labourers; and, being organised also, in virtue of their apprenticeship; have been able to press the masters to employ only union men; or at least, to employ such men only where any such are employed—to recognise the right of the union men not to work with those who remain outside the unions.

It is against the unskilled labourers, who are at once very numerous and imperfectly organised,—so far,—that the masters have pressed their claim to employ any man they like, even though he

Ethics of the Social Question

should not belong to a union ; and to set him to work with union men, under pain of dismissal of the latter should they decline the association. If union carpenters refuse to work with non-union men, it is not so easy for the masters to replace those who refuse ; with the result that carpenters are allowed to have their way in this regard. But if a number of unskilled labourers,—or of labourers such as tramway-drivers or conductors, who may be trained to the business in a few days,—should refuse to work with non-union men, the masters can easily replace them, from the ranks of unskilled labourers who are always looking out for a job. The history of all recent strikes of unskilled labourers proves this ; with the result that masters refuse, with confidence, to allow these poor, weak men what they are forced to recognise as the right of artisans. This goes to show that the agreement forced by a threat of starvation on the unskilled workingmen of Dublin—to “ work amicably with all other employés, whether they be members of a union or not,”—was inequitable ; such as the masters could not enforce, and dare not propose, to any body that was sufficiently organised to defend its interests.

Let us look outside the ranks of labour,—to the professions and business men,—and see what is there recognised as equitable in this connection. On a certain occasion, when I asked a mason why he and his comrades of the union refused to work with non-union men, he replied by asking

Non-Union Labour

me, in turn, why I and men like me did not put that question to lawyers and doctors. Think of asking one of these to meet in consultation one who, however learned in law or skilled in medicine, did not belong to the profession! Not only do they require a man to have got his diploma or call,—which is the equivalent of having served an apprenticeship,—but they compel him to observe the etiquette of the profession; which is the equivalent of complying with trade union rules. That is to say, the doctors and lawyers have a union to which they give a polite name; and they make all members of the profession belong to it, under penalty of the severest professional ostracism. Why is it unreasonable for a labourer to decline to work with a non-union man; while it is open to a lawyer or doctor to refuse consultation with another man, no less qualified, who fails to join the combination of his profession?

Let me submit, in this connection, the following extract, from *The Irish Daily Independent*, of May 22, 1912:—

“A meeting of Dublin medical practitioners was held yesterday. Mr. R. H. Woods, President, Royal College of Surgeons, presiding; at which resolutions were adopted to the following effect:—

“(1) That every doctor practising in Dublin should be required to sign a pledge not to accept service with any Insurance or benefit society, or accept any medical appointment whatever, unless

Ethics of the Social Question

the local medical committee are satisfied that the payment is an adequate rate of remuneration.

“(2) That every city doctor who is a medical officer to any benefit society of whatever kind, be required to make a demand on his society for such rate of remuneration as the local medical committee shall consider proper. If this be not granted, he must resign his office, and no practitioner shall be allowed to take it.

“(3) That a ‘black list’ be formed, on which the name of every practitioner who refuses to sign the pledge shall be placed, and it is understood that everyone who appears thereon shall be ‘boycotted’ by means known to the medical profession.

“A local medical committee, consisting of 40 doctors, was elected. It comprises practically every doctor of any note in Dublin.

“These resolutions are somewhat on the lines of the doctors in England, with regard to the [Insurance] Act; but the Dublin resolutions are more comprehensive and more elastic, because they include medical appointments of all kinds. On the other hand, the ‘standard rate of remuneration’ is not fixed, but is to be decided by the local medical committee on the merits of each case.

“The Royal Colleges of Physicians and Surgeons in Ireland have the power of depriving a doctor of his diploma, if they consider he has been guilty of unprofessional conduct. Whether a man

Non-Union Labour

whose name appears on the ' black list ' would be held to have been guilty of unprofessional conduct is a nice point."

Here, accordingly, we have physicians forming a pledge-bound union, which all members of the profession are " required " to join, under penalty of being boycotted by his fellows. They pledge themselves, moreover, to resign their offices,—which means to go on strike,—in certain contingencies ; and not to allow any other practitioner to take the positions thus vacated. Among " the means known to the medical profession," whereby they purpose to enforce this policy, is a " black list,"—or list of scabs or blacklegs,—which was to be posted in all the medical colleges. This programme was published in *The Irish Daily Independent* ; which, not so many months later, so fiercely attacked the same methods of warfare, when adopted by the Dublin labourers.

I note also that *The Irish Times*,—a conservative organ,—reprinted, on February 2, 1912, a criticism which had appeared the previous day in another conservative organ, *The Daily Mail*, to the effect that a " doctor who, when his professional society decides that the conditions of service offered are degrading and unremunerative, goes behind the back of the society and accepts these conditions, is in the position of a man who agrees to undersell his comrades. He is a black-leg." There are, then, professional societies,—or medical trade unions,—behind which a doctor

Ethics of the Social Question

must not go, under pain of becoming and being treated as a blackleg.

I have no knowledge of any fulmination,—either from the capitalist press, or the employers' societies,—against these proceedings of the doctors. It was good enough for Mr. Lloyd George and the Insurance Act. But if professional men may be forced, under pressure of the boycott, to enter societies and observe the rules of the same,—to go on strike and boycott blacklegs,—why not allow the privilege to labourers, whether skilled or unskilled? To this question, when put to me by a foreman mason, I had no satisfactory answer.

The tendency to press men, by the boycott, into societies formed for the protection of class interests, is not confined to professional men,—who have not, as such, any quarrel with the trade unions; but appears among manufacturers, merchants, and shopkeepers, who are most strenuous in advocating the principle of free labour—that no man shall be compelled to join a union of any kind. There are well-known rules of trade; as, for instance, that no manufacturer or merchant shall sell to the public at the same price as he charges retail dealers; and it is no less well known that, owing to an informal, but very effective, ring or society of tradesmen, the wealthiest and most powerful firm in the land dare not violate these rules. If they did, they would be left severely alone, or boycotted, by the trade; and would very soon be brought to heel in that way. They

Non-Union Labour

are all in the ring ; must be in it, and must observe its rules, under penalty of ostracism. They will not themselves allow free trade in goods—every merchant or shopkeeper to charge what he likes ; yet they complain of labourers for not allowing free trade in labour.

We are now, perhaps, in position to consider the question of non-union labour more closely, in the light of the conclusions deduced in Book I.¹ As long as union men merely refuse to work with those who do not belong to the union, they do not take, without the owner's consent, anything that belongs to another. So far, therefore, they are within their right.

Neither do they damage the person or property of anyone ; nor forcibly deprive any man of the use of his property or person ;—that is, as long as they merely refuse to work with those who do not join the union. The latter are left in full possession of the instruments of their trade, with liberty to use the same as best they can.

They are, however, pressed, by the union men, to forbear working, except as members of some union,—pressed, that is, to join some union ; and pressure of this kind is justified, as we have seen, if (1) there is an equitable right that all men shall join a union ; and if (2) the pressure applied is not out of proportion to the right that it is meant to safeguard. These, accordingly, are the real questions at issue.

¹ Ch. vii. pp. 48 ff.

Ethics of the Social Question

(1) First, then, are labourers, whether skilled or unskilled, bound, in some way, to join a union? It depends, I should say, on whether, in any stage of the development of society, trade unions are practically necessary as means of safeguarding the rights of workingmen. Surely the men have a right to defend their interests; and if this can be done only in combination,—through trade unions,—the men have a right to form efficacious unions; as is not denied. The unions, however, would not be efficacious if any considerable body of the men did not join. No one knows this better than the employers, who have been crying out in support of free labour,—not altogether, we may be sure, in the interest of the labourers. Divide and conquer is the employers' motto; while that of the labourers is, or should be, Union is strength.

It seems to me, then, not so manifestly unreasonable that labourers are not independent of one another; that, as, without combination, they cannot safeguard their interests, they are bound to combine in so far as is necessary for the common weal. On this principle, a smaller State, such as Saxony or Bavaria, may be forced to join a federation such as that of the German Empire; or the Southern States of America might be compelled to remain within the Union. For the same reason, merchants and shopkeepers may enforce necessary rules of trade; doctors and lawyers the reasonable etiquette of their profession; labourers fair

Non-Union Labour

trade union rules. And as, practically, this cannot be done, so long as there is a large body of free merchants, professional men, or labourers ; it follows that they may be forced into combination, by moral pressure, if not carried too far. This holds specially of times and occasions when, as experience shows, free labourers are used to defeat, or even break up, the trade unions. It supposes, I repeat, that the pressure applied is in proportion to the interest that is at stake.¹

(2) This being supposed, the second, and deciding, question is, whether ostracism, or refusal to work with non-union men, is not too severe a measure for the maintenance of the unions. I find it hard to say so. Unions, as I suppose, are necessary for the welfare of the men. When, accordingly, a man is forced to join, he loses nothing, ultimately. In any case, the freedom of action which he is pressed to resign, is a small thing compared with the common weal of the labouring classes, which is the interest at stake on the other side.

One does well to note, in this connection, how severely professional men, manufacturers, and

¹ A short time ago,—I write this on April 29, 1915,—the dockers of Liverpool passed under Government control ; so, however, that, to obtain work, one should join the Dockers' Union. "After this," writes *The Nation* (Art. on The New Syndicalism, April 17, 1915), "can we revert to the old tune about the sacred rights of non-unionists? Will it be possible, when next the unions or any union makes a determined effort to eliminate non-union labour, to forget this striking tribute to the justice and value of the principle?"

Ethics of the Social Question

wholesale merchants, are ostracised, if they refuse to observe the etiquette of their profession or the rules of their trade. One does not hear of complaints in respect of these, as to the right to free labour or service ; nor that ostracism, or the boycott, is a measure too severe.

CHAPTER V

WAGES

FEW masters, I fancy, would deny the principle of a living wage ; to wit, that employés who are not merely learners should receive of the profits so much as may enable them to live healthy and happy lives, according to their station. Few employers, I believe, would deny this—in theory ; though it is to be feared that some—if not many—do not live up to the principle ; as may happen to those who profess a holier faith. And so, after listening to a lecture on the social question, and applauding the principle of the living wage ; a man—not very bad or hard-hearted—will go away and stint and grind his servants or employés, to make the business yield himself ten, twelve, or twenty per cent. Such men, no doubt, justify themselves,—if conscience ever troubles them,—on the ground that the wages are sufficient,—as much, at least, as others receive in the same way of life. No formal plea is ever raised to the effect that, unless a business returns the proprietor ten, twelve, or twenty per cent. on the capital, it cannot afford the employés a living wage.

We do not, moreover, hear of much dispute as

Ethics of the Social Question

to the type of workman that should be taken as a standard—as regards living. The trade union principle,—that, for the same area and class of work, fully qualified men, though not all of equal efficiency, should have equal wages,—is admitted generally. At least one does not hear now of disputes, leading to strikes or lock-outs, on that ground. And it is no less generally admitted, I fancy, that the average fully qualified working-man should be in position to marry. So that a living wage, in theory, is such as would enable a man and normal family, of wife and five or six children, to lead simple, healthy, and happy lives, according to their station. Priests are not likely to meet with much opposition in teaching this ; though it is another matter to enforce the teaching.

The trouble about wages begins when we come to determine what should suffice to support a family in simple comfort ; supposing economy and thrift on the part of all. I do not know that priests are the best judges of this ; though, I have no doubt, their opinion is worth more than that of employers generally. Rich folk know little of how the poor live ; and employers, as a rule, are rich. The average priest's household ways and expenses come much nearer to those of the working classes than do those of the average employer ; except, possibly, among the farmers.

As against this, however, priests are bachelors, and have no experience of providing for wife and

Wages

children ; nor of how much a wife and mother may save, in the way of labour and economy. So, I fear, when it comes to determining how much the family of a workingman can live on, simply but comfortably, employers and priests have to be guided largely by those whose experience is closer and more constant. The majority of the jury should be taken from the working classes.

You may say that you see families, in plenty, living comfortably on so many shillings ; which is the best proof that it can be done. You see it, no doubt ; but are you in position to say that it is all done on the husband's wages ? or, if so, that the economy whereby it is effected is of the average—which any workingman may expect of his wife ? Is she able to add to the family income by casual earnings of her own ? and if so, may the average woman of her station hope to do as well ? Priests, I fear, are not the best judges of such matters ; nor, *a fortiori*, are well-to-do employers. We should, at least, observe a becoming modesty when arguing this aspect of the labour question with a body of workingmen, who know it much more intimately.

The main difficulty, however,—that which is the most fruitful source of lock-outs and strikes,—appears when masters propose to diminish wages, on the ground that they cannot afford to continue paying at the present rate ; or when the men demand an advance, for the converse reason.

Ethics of the Social Question

How can priests know anything of these matters ? Unless in case of public companies, how is any outsider to know whether the state of a business calls for a reduction or for an increase of wages ? You can ascertain this only by examining the books ; and, even with these before you, there is danger of being led astray, unless you are an expert in the business—as few priests can be. Hence, on this aspect of the labour question, priests, I think, should be slow to interfere.

One thing, nevertheless, we may say, with confidence,—laying down a general principle, which is within the province of a student of morals,—that it is not always reasonable for workmen to expect a living wage,¹ in the meaning already set forth,—of what is requisite to keep an average family in such frugal comfort as befits the working class. If the business does not give a return sufficient to allow of such a wage, then a living wage, in that sense, cannot be paid ; or, if paid, soon there will be no business and no wage of any kind. In these conditions people must give and take, in their own interest ; men allowing masters to deduct as much from wages as, while leaving the men what will enable them to live somehow, may let the masters carry on business, and so provide a living, though a poor one, for the men ; and masters allowing men to draw as much from the profits as, while leaving but a poor return on the capital, may enable the men to stay on in the hope of better times.

Wages

A business, as I believe, may be reduced to this condition without any fault, whether intellectual or moral, on the part of either men or master. They may be working together loyally and devotedly, on the best lines, and yet be unable to make the business pay ; either because of a change in the times, or by reason of competition, just, or even unjust, on the part of others. A succession of wet or dry seasons may impoverish farmers, and all who depend on them, however constantly and judiciously they work ; and the profits of manufacture may be seriously diminished by a tariff imposed in a neighbouring country. When a business is impoverished, masters and men are in the same leaky boat ; and must only make allowance for one another.

Sometimes, however, when masters say that the return from a business is not sufficient to provide a full living wage, they do not, I fear, reckon as return what is being applied to extend the business,—to enlarge the capital, which is all their own. That is not fair to the employés ; who have a right to the full living wage so long as the business, as it is, can afford it. If the profits are being used to extend the business, and so increase the capital, while the employés are denied the full living wage, part of the increased capital should belong to them. Otherwise, even though the return, per cent., should be unduly small, owing to increase in the capital, the master may be getting more than his due. These are matters,

Ethics of the Social Question

however, of which outsiders, lay or clerical, can know nothing ; unless, as has been said, in the case of companies whose balance-sheets are public property. And, even there, priests would do well to be guided by the opinion of men of the world—business men.

There is another aspect of the wages question which occasions trouble now and then : woman's wages. If the men employed in a business which is doing fairly well, should get so much wages as may enable them to support an average family in frugal comfort, to how much is a woman employée entitled ? As a matter of fact, they are paid less than men. Nor do I find any fault with this ; inasmuch as they are not, as a rule, intended by nature, as men are, to work outside the home. The average woman's natural place is the home ; it is the husband and father who, as a rule, must bring her the wherewith to make that home comfortable. Hence, I think, there is not the same reason as in the case of men, for measuring a woman's rights by what may enable her to support herself, her husband, and four or five children. She does not seem to be entitled to a living wage in that sense, even when business is doing well.

Yet, as the average man is not to be presumed to contract freely to do a full day's work, unless he may hope to receive, in return, a wage that will enable him to keep his family in comfort,—which, as I understand, is the fundamental reason

Wages

why a workingman is entitled to a living wage,—so the average woman, whether maid or mother, cannot be presumed to consent freely to give a day's work, unless she may hope to receive, in return, as much as will enable her to keep herself, as well as give some help to those who may be connected with her. If, being a woman, she is not reasonably expected, and therefore may not reasonably hope, to support an average family out of her own earnings ; she may, at least, reasonably demand so much as will enable her, after providing for herself, to help support the family to which she belongs. That, I think, is as much as can be said, by way of principle. How much of help she may reasonably hope to give, I am unable to determine.

In the market for woman labour strikes are occasioned, at times, on the ground, as alleged, that, even according to the measure just set forth, the women do not receive a sufficient wage. To which it is, surely, no reply to say, either (1) that it is better for them to be employed at a poor wage than to be in receipt of none ; or (2) that there are plenty of their class who are ready to work for the wage in question. Either reason, or both, may prove that the master can get women to work for the wage ; but not that they will consent to do so with the freedom which such a contract demands. It may be a very galling tyranny which people are glad to bear, for fear of worse ; and this, it is to be feared, is the

Ethics of the Social Question

wretched choice left to many working men and women.

As, moreover, women are not entitled, like men, to a wage which will enable them to support an average family, there is a natural temptation for employers to diminish the labour bill by falling back, where possible, on the cheaper labour of women. Complaints have been made on this score ; and strikes have arisen. I have no doubt that such complaints may be well-founded and such strikes justified ; where an undue proportion of cheap woman-labour has been used. When this is, however, or what the due proportion may be, it is not for a professor of theology,—nor, I suspect, for any priest,—to say. That also had best be left to the judgment of business men.

BOOK III

CATHOLICS AND LABOUR ASSOCIATIONS

CHAPTER I

A QUESTION THAT HAS BEEN RAISED

BEFORE me, as I write, there are more than half a dozen booklets, all dealing with the social question. I took them from a case or desk meant for such things,—to display the publications of the Irish Catholic Truth Society,—such as one may find near the door of so many churches. The church where I picked them up is in a remote country district ; where Socialism and its kindred sects are, and long will be, no more than a name,—if even so much.

In one of the little books ¹ the question is asked² whether Socialism is opposed to religion ; and the answer given is that it “ breathes hatred of Christianity,” “ blots out hopes of heaven,” propounds “ principles opposed to religion,” “ destroys the fabric of society,” is “ destructive of marriage,” and therefore “ antagonistic to the well-being of the family.” In support of this verdict Father M'Donnell quotes, among other authorities, the well-known Jesuit moralist, Father Lehmkuhl, to

¹ *Socialism and the Working Man*, by Rev. Joseph M'Donnell, S.J. Dublin : Office of “ The Irish Messenger,” 5 Great Denmark Street. 1914.

² Ch. ii. p. 5.

Ethics of the Social Question

the effect that “there is no doubt that the impious sect of Socialists are included [in one of the excommunicatory clauses of the bull *Apostolicae Sedis*] ; at least those who profess that, if they had the power, they would not shrink from completely overthrowing, even by force, the structure of civil society, as it exists to-day. Nay more, those who are imbued with Socialistic principles must be looked upon as heretics and apostates, excommunicated with an excommunication specially reserved [to the Pope].”¹

Another distinguished moral theologian, Father Genicot, S.J., is next quoted as teaching that Socialists are excommunicated, like Freemasons and Carbonari. “The same,” he writes, “is to be said of those who belong to or favour Socialist associations, if conscious of the object of which this impious sect makes profession—of entirely overthrowing both Church and State. However, where the Socialists constitute not merely a society but also a political party, as is now the case in Belgium and many other places, many of its supporters or members are saved from incurring excommunication, owing to their ignorance of the object of this sect, or at least through ignorance of the censure attaching to it. But diligent care must be taken to avoid the proximate danger to Christian faith and morals that threatens such as frequent these assemblies, of which danger they

¹ Reference is given to Father Lehmkuhl's *Theol. Moralis*, II. n. 950.

Question Raised

should certainly be warned who imprudently mix themselves up with such associations.”¹

Hasslein, too, whom Father M'Donnell calls an able writer, says that “in practice Socialism has, upon every opportunity and in every country, shown itself a bitter opponent of Catholic Christianity; in doctrine all its most famous leaders are not merely atheistic, as individuals of any party may be, but hold that Socialism is incompatible with Christianity, as it is taught by the Catholic Church.”²

“From all of which,” Father M'Donnell concludes (p. 10), “it is plain that any sort of trifling on the part of Catholics with Socialist tenets or associations, is, to say the least, dangerous to faith and morals, and exposes them to peril of losing their immortal souls.”

Plain enough, no doubt, as regards Socialists of the extreme type; who are as hostile to religion as they are to capital. But might not one be a Socialist without going so far? Even Father M'Donnell, in candour, adds two important Notes: one, on p. 9, to the effect that Father Lehmkuhl, in the passage quoted, “limits his condemnation to those ‘who profess that, if they had the power, they would not shrink from completely overthrowing, even by force, the structure of civil

¹ Reference is given to Father Genicot, *Theol. Moralis*, II. 596. The translation is Father M'Donnell's.

² Reference is given to Hasslein, *The Church and Social Problems*, p. 159. See Father M'Donnell's booklet, p. 9.

Ethics of the Social Question

society as it exists to-day,' or who are 'imbued with such principles'; while Father Genicot speaks only of such as are 'conscious of the object of which this impious sect makes profession,' as he assumes, 'of entirely overthrowing both Church and State.' " Do Socialists, as such, make any such profession? Or is it only that some—perhaps many—leading men among them are Atheists and revolutionaries; not, however, as Socialists; but in another guise?

Father M'Donnell evidently feels the pressure of the question; as, in his second Note, on p. II, he warns us that the severe judgment, already quoted, which he passes on "Socialist tenets and associations," applies only to those of an extreme type. "I do not venture," he adds, "to pass judgment on those who choose to call themselves 'Christian Socialists.' " So that, perhaps, after all, one might be a Socialist, of some kind, vote for a Socialist, or co-operate with Socialists, without ceasing to be a Catholic, incurring any censure, or putting one's soul in any special danger.

Perhaps the same applies to Syndicalism; which appellation is a good mouthful, of foreign aspect, and therefore suspicious,—an obvious term of reproach. In that great body of the press which supports the employers against the labourers, Syndicalism, one may notice, is represented as an extreme and violent form of Socialism—something like Anarchism or Nihilism. And it may be so at times, like Trade Unionism; but is it so

Question Raised

necessarily and of its nature ? Is there no form of Syndicalism one might profess without ceasing to be an obedient Catholic ? This also is a question which any priest may be asked ; those especially who feel called on, when labour troubles arise, to denounce as Syndicalists certain leaders of the workingmen, or even great bodies of their followers.

NOTE.

The present war,—in the eleventh month of which this Note is being written,—tends to make us revise some old notions as to the effect of Socialism on industry. The Rev. M. F. Egan, S.J., writes in *Studies* (June, 1915) that “under the stress of war conditions Germany may be said to be a purely Socialist State. The government control of industry, the allotment to each of his daily task, the bread tickets, all the dreams of the Socialist reformer are fulfilled.” England, France, and even Russia, have begun to realise that, to meet Germany in the field, they must meet her in the workshop, and adopt the same socialistic methods. It is, of course, only for war purposes—so far ; but we cannot help suspecting that in the war of commerce which will succeed that of arms, the old methods will be found no less inefficient, and that we shall have to socialise many, if not all, of our industries. German *cultur* is practically Socialistic—undemocratic so far, but, as Father Egan observes, with a democratic basis in the fact that the masses accept and even welcome it. Perhaps France, or England, or America, will improve on the German model and show how the State becomes more efficient, as it is not only Socialistic but democratic.

CHAPTER II

TRADE UNIONISM, SYNDICALISM, SOCIALISM

TRADER Unionists, as such,—so I understand,—recognise the difference between employers and employed as being not merely legal but moral, and bound to remain so. The employer is owner of the business ; to the exclusion of the employé, who is owner only of the work which he gives and for which he receives a wage. Trade unions are formed to enable workmen to secure fair wages, as well as other fair conditions of labour ; they do not aim, as trade unions, at depriving masters of the ownership of the business or of any part thereof.

Syndicalism, on the contrary, as I understand, aims at transferring the ownership of business from the masters to the workers—to those who work the business in question. This underlying general principle, however, may be understood in two ways. Take, for instance, the railway industry ; which, at present, in the British Islands and in America, is owned by different companies. Syndicalists would transfer the ownership from the stock-holders of these companies to the railway servants ; but whether it is intended that there should be but one syndicate of these, to

Trade Unionism, Etc.

own all the railways of any country ; or that there should be as many syndicates as there now are companies, I do not know. One may, at least, conceive a number of lesser syndicates, which would each own merely some one railway, mine, or business of any kind ; and in so far as one may regard this as possible, and desirable, one may with propriety be called a Syndicalist.

Socialism goes further, and aims at transferring the ownership of business from the present holders, not to their employés, but to the community. By the community is understood more than those who work the business at present ; it means either some local community,—such as a city,—or the State. Those who advocate or approve of the municipalisation of the tramways, waterworks, or electric installations, whereby cities are served, are Socialists of a kind ; though not quite of the same kind as those who would make the railways State property ; as in the British Isles we have already nationalised the postal, telegraph, and telephone systems. Few, if any, are not Socialists, in the sense that they think it desirable that the State should have proprietary rights in some of these public services.

Beginning, therefore, with Trade Unionism,—as to the morality of which, I take it, there is no question now,—we find three grades ; according as you desire to have the ownership of business lie with the body of masters, as at present (Trade Unionism) ; or would transfer it from the masters

Ethics of the Social Question

to the workers (Syndicalism) ; or even to some public body, such as the city or the State (Socialism).

These, however, are but general notions ; for not only may both Syndicalism and Socialism take different forms, as has been set forth ; but one should distinguish carefully between the ultimate and the immediate aim of either system—that is, between what Socialists and Syndicalists deem possible and right at present, and what they hope to accomplish later on.

For, whatever may have been in the mind of the founders of Socialism, their present-day disciples, for the most part, have no hope,—nor, indeed, much thought,—of realising the full Socialistic idea at once. They are content with evolution, whereas it may have been a revolution that was advocated by their fathers in the Socialistic faith. They are content to socialise first one business, then another, according as the times grow ripe ; perhaps because men's minds are not sufficiently prepared at present, so that Capitalism, in some shape, is still a necessity ; or, possibly, because, though Capitalism is, even now, a blight and immoral, Socialists are not yet strong enough to rid the world of it altogether. They have learned something ; and are willing to take half the loaf, or even a slice, in the assurance that by slice after slice the whole will at length become theirs. You will make a great mistake if ever you insist that Socialism means repudiation of all

Trade Unionism, Etc.

private capital just now ; or that, by proclaiming oneself a Socialist, one must profess to regard every capitalist as a thief.

The same, I take it, applies, in its way, to Syndicalism ; which may propose and hope to attain its full object by evolution rather than by revolution. We might make experiments ; first syndicalising one railway, then another ; next a mine, then another, and a third ; then a factory, here and there ; and so on, as occasion offers and the times grow ripe ; somewhat as certain temperance reformers would buy out all the publicans, by degrees. If, in arguing with or against a Syndicalist, you assume that he regards all the present holders of property as robbers, you may be mistaken ; and if you refuse a man the Sacraments on that ground, he may have reason to complain.

This raises another fundamental question, as regards both Socialism and Syndicalism : whether either implies that private ownership of capital is necessarily immoral ; so that, even now, there would be no right of ownership in capital ; and, consequently, that the present holders may be deprived of what they call their property, without compensation and without injustice. Extreme Socialists and Syndicalists should maintain, in consistency, that this is so ; but I can conceive a man to make profession of either system in the sense that it is desirable to socialise or syndicalise industries, as the telephone system has been

Ethics of the Social Question

nationalised in the British Islands, and as Irish landlords have been deprived of their estates,—by making full compensation to present holders. There are, I understand, plenty of people, deemed conservative enough, who advocate the nationalisation—that is, the socialisation—of railways in this way. Having begun already with the postal, telegraph, and telephone systems, suppose we take up the railways ; then the mines ; and so on, as occasion may offer and the times become ripe ? You may not call that Socialism ; but others—opponents of these schemes of expropriation—would not hesitate, I think, to denounce them as Socialistic. And, surely, if the fundamental idea in Socialism is that capital should belong only to the State, those who would nationalise the coal mines or railways are Socialists, so far.

There is yet another consideration of importance—that of method. For labourers, unfortunately, in their struggle with capitalists, have striven at times to attain their end by damaging the masters' property—a method of social warfare now called *sabotage*. It is called Syndicalism also ; in that part of the press, specially, which supports the capitalists,—and which they support ; though *sabotage*, of itself, is no more connected with Syndicalism than with Socialism, or with Trade Unionism. The French Trade Unionists were the first, as far as I know, to make open profession of *sabotage* as their official method of warfare ; and it is only because in France, at that time, trade

Trade Unionism, Etc.

unions were known as syndicates, the outrage method came to be known as Syndicalism ; not for any logical connection which it has with the principles of those who call themselves Syndicalists, as distinguished from Socialists and Trade Unionists. Whether the Syndicalists, in this sense, have been, or are, more given to *sabotage* than the Socialists or Trade Unionists, I am not able to say. In the Capitalist press, certainly, the charge of outrage is freely made against them all, whenever there is a strike with anything like an appearance or chance of success.

It is important for priests to bear in mind that, as one may call oneself, and be, a true Socialist, without advocating spoliation, so one may be a true Syndicalist while condemning damage to person or property—*sabotage*.

NOTE.

It is not long since the representatives of a considerable number of workingmen in the United States denounced the wage system as out of date and immoral ; and there can be little doubt that the thoughts of workingmen are moving in this direction. The next stage would naturally be one of Syndicalism ; wherein there would still be private capital, owned by the workers. The final stage,—if, indeed, there is any *finis*,—would be one of pure Socialism ; wherein all capital would belong to the State.

CHAPTER III

SOME GENERAL PRINCIPLES

IT might seem, at first sight, not so very difficult to decide whether it is right or wrong to become or remain a member of a political party such as that of the Socialists. The Capitalist press, at least, have no difficulty ; nor, it would seem, have many priests. The great leaders of the Socialistic movement, they argue, are hostile to religion ; the doctrine of Socialism, in its extreme form, is subversive of property ; the methods whereby many Socialists propose to attain their objects are revolutionary and unjust. From which the natural conclusion is that one may not profess oneself a Socialist, nor be a member of any Socialist party, nor contribute to a Socialist fund, nor vote for a Socialist candidate, nor even co-operate with a Socialist group—in parliament. And, as many trade unions are now tinged with Socialism, if not openly Socialistic, Catholics have been warned to be on their guard, and to separate themselves from these agents of Satan. As for Syndicalism, it is represented as an extreme—the most extreme—form of revolutionary Socialism ; and, as such, to be avoided by any workman who cares for his welfare, in this life or the next.

General Principles

This is the impression left on me by nearly all the Catholic lectures, essays, or letters, I have read on the subject ; and, in particular, by the booklets that lie before me and to which I have already referred.¹

Granting the facts on which these admonitions are based,—and I hold no brief for extreme Socialists, nor have I any wish to deny their offences or minimise the danger which they constitute,—it does not seem that the conclusions drawn by these good monitors of the working class are necessarily sound ; when viewed calmly in the light of history—even recent history. Have we not heard something of the same kind of warning as regards republicanism, in France : that the founders of the Republic were Atheists, or at least hostile to religion ; that their aims were destructive of society, and their methods in keeping with their aims ? For which reason the pious clergy of France used to warn their flocks that to profess oneself a Republican or vote for the Republic was to take the devil's side ; till, notwithstanding, a Pope not only advised but commanded the French Catholics to rally to the Republic, begrimed and bedevilled though it was, in its originators, its aims, and its methods.

So, too, of Liberalism ; whose protagonists were, and are, anti-Catholic, if not anti-Christian, or even Atheistic ; which aims at the destruction of the family (by civil marriage and divorce), at the

¹ *Supra*, Bk. iii. Ch. i. p. 111.

Ethics of the Social Question

corruption of youth (by godless education), and at the ruin of the whole social fabric (by deriving all power from the people and making them all-powerful). How often has not Liberalism been denounced, in France, all over the continent of Europe, and even in the British Islands ! How often have not Irish Nationalists—including the clergy, and even the Bishops,—been admonished for allying themselves with English Liberals, thereby imperilling the Catholic cause ! Yet in France, Montalembert and Lacordaire were Liberals ; and, in the British Isles, there are Catholics of good repute in Church and State, who belong to the Liberal party—are even Radicals ; while there are in England many priests, mostly of Irish birth, who openly advise their people to vote for Liberal candidates ; and the Irish Parliamentary party has been allied to the English Radicals, with the sanction of the priests and even of the Bishops of Ireland. A few, no doubt, of the Irish clergy complain of this ; or rather, perhaps, lament it, and predict evil consequences. But the great fact is, that, though Liberalism is of the devil,—almost worse than Socialism,—one may now profess oneself a Liberal or vote for a Liberal, without being supposed to imperil one's soul thereby. The complaints that were made about Montalembert, Lacordaire, and their followers, and the anathemas that were pronounced against them, ought to make us think.

It is not alone for their alliance with the English

General Principles

Liberals the Catholics of Ireland, lay and clerical, have been accused of disloyalty: have they not themselves been guilty of what *The Times* called "Parnellism and Crime"? They have been charged with supporting a Land League and a national movement whose principles were pillage, and whose methods were outrage—murder, arson, houghing of cattle, and the rest. Tennyson represents them as worse than savages, who kill only human enemies; whereas in Ireland

"Peasants maim the helpless horse, and drive
Innocent cattle under thatch, and burn the
kindlier brutes alive."

How is it that Irish Catholics, nay priests and Bishops, can profess themselves members of a league or party that can be denounced in this way? For, the worst of the matter is, that the facts cannot be denied wholly—that there have been ugly things connected with the Irish movement; as there have been with English and French revolutions, and with other causes which neither Tennyson nor English Catholics would care to disown. Irish Nationalists, lay and clerical, might bear all this in mind, when they hear similar charges made against any party of workmen; and, above all, should any Irish priest feel called on to make accusations of the kind, against strikers and their associations, it may help to moderate his zeal if he will call to mind

Ethics of the Social Question

that it is not so long since as grievous accusations were made against his own class.

The fact is, so wicked and complex is this strange world, that, as long as one is in it,—and stay we must,—one cannot shake off connection with criminals of all sorts ; of whom, only too often, ourselves are the worst. Would you have French Catholics leave their country, because of the early history and present misdeeds of the Republic ? But, then, where should they go ? To the United States, where the national system of education is godless, where divorce is rampant, and where the crime of the Spanish war is still unexpiated ? To Germany, fresh from its exploits in Belgium ? To Italy, where they treat the Pope so dutifully ? To Russia or England, where, of course, there is, and has been, no national crime ? Or is it that, though one must have a country, one need belong to no political party ; and good men, everywhere, shall be broken easily, like the proverbial bundle of rods ?

Though, nevertheless, one may not hope to shake oneself free, in this world, of all connection with the wicked,—their deeds and tenets,—there are some things obligatory in this respect :—

1. One may tolerate much error and crime in one's associates ; but one must never do anything oneself of which one's conscience disapproves ; nor profess one's own belief in or allegiance to any principle that one holds to be false. This even though by cleaving to the right one should perish of neglect and starvation.

General Principles

2. Accordingly, whenever a false principle, or what one regards as false, is made a test of membership of any society,—club, union, Church, or State,—one must renounce the society, if one can. If one cannot,—as may be, sometimes ; when, for instance, Christians were ordered to worship idols,—one must, if called on, refuse to conform to the test ; even though the result should be loss of life, as happened to those Christian martyrs. A Catholic who should be convinced of the falsehood of any of the dogmas of his Church, would be at once bound (subjectively) to renounce Catholicism. So, too, members of parliament who find that they no longer believe in the principles that secured them election, rightly hold themselves bound to resign their seats. If people will employ you, delegate you, or associate with you, only on condition of your doing something which you believe to be wrong, there is nothing for you but to refuse to do it, and thereby sever your connection with them.

3. Since, however, the Catholic Church does not specially prohibit, in virtue of her authority, every principle or organisation that may be wrong objectively ; so that her children may be Democrats or Republicans, Unionists or Liberals, without disobedience to her ; though, as these parties are in contradiction, one or other must be objectively wrong ; we are not specially bound in obedience to the Church to renounce any party or principle which has not been condemned by her. We are,

Ethics of the Social Question

however, bound to renounce what she condemns ; whether by formal decree, as in the case of the Freemasons' society, or in the constant, traditional teaching of her Bishops and schools.

4. Moreover, even though by joining any society one were not expected, personally, to do anything of which one's conscience disapproves or which the Church condemns ; one might be bound to dissociate oneself from the society in question, should its principles or the doings of its members be so bad as to counterbalance any reason one may have for tolerating it. No sensible Unionist or Liberal, Democrat or Republican, thinks himself bound to renounce his party for every crime or error of every member of the party. Else no honest man could be a member of any party whatever. The statement holds even though the wrong in question should be done officially. Catholics, for instance, do not regard themselves as bound to leave the Church for every crime of every ecclesiastical official, or for every erroneous and official teaching ; nor, *a fortiori*, are Unionists or Liberals expected to change sides, even though they do not agree with all the acts of the government which they may have helped to power.

And yet a government or party may go too far ; so that honest supporters, who may have overlooked some light transgressions, may feel called on to renounce allegiance, should the party rulers make too many mistakes. I know of no measure or rule in this matter but that whereby

General Principles

most of our writers on morals are wont to judge of indirect co-operation in evil-doing: that it is or is not lawful, according as the good results do or do not counterbalance the evil. So it would seem to be in politics, where honest and practical men support or oppose a government, according as, in their opinion, it does more good than harm, or the reverse. This, I fancy, applies to every society, club, or union of any kind.

CHAPTER IV

MAY ONE BE A SYNDICALIST OR A SOCIALIST?

WE are now, perhaps, in better position to say whether it is open to Catholics to profess themselves Syndicalists or Socialists, to vote for Syndicalist or Socialist candidates, or to co-operate with them when elected.

1. And first as to proclaiming oneself a Syndicalist or Socialist. One should not do so if it meant profession of Atheism, or hostility to religion, or to the Catholic Church, or to the State. And as it is false to say that the present holders of capital are not legitimate owners of what they possess ; or that capital belongs of right only to the workers in any business, or to the city or State ; it is wrong for anyone to make profession of Socialism or Syndicalism in that sense. Since it is false, moreover, that workingmen may have recourse to *sabotage* in their struggles with employers,—even when they have grievous cause of complaint, and may reasonably apply other, and severe, forms of pressure,¹—they are not at liberty to profess themselves Syndicalists in the sense of being ready to damage the property of

¹ See Bk. I. Ch. vii. s. ii. p. 48.

Catholics and Socialism

capitalists ; or to injure anyone,—even scabs or blacklegs,—who may work for them. All such professions are not only wrong in themselves,—independently of any prohibition by Church authority,—but are directly opposed to Catholic teaching ; so that a Catholic would be disobedient if he professed himself a Syndicalist or a Socialist in that sense.

2. It must, however, be added, in fairness, that, while there are extremists who profess themselves Socialists or Syndicalists in one or other of the foregoing senses, either denomination may be used, quite legitimately, in a different signification ; wherein one may profess oneself a Syndicalist or Socialist in the sense that one believes the time already come for the syndicalisation or socialisation of certain industries now owned by capitalists,—by way of purchase of the present owners' interests ; and that one is not without hope of a time, distant perhaps, when all the industries of the nation will have been so dealt with, gradually and rightly. This profession of faith may be simple, or even silly ; but I see nothing in it more immoral than in other party professions of which I do not myself approve. If one is a Conservative, one thinks, of course, that Liberals are wrong ; but one does not go so far as to deny the right of fellow-Catholics to be Liberals. And so one may disagree with such Syndicalism and Socialism as I have described, without bringing it under the ban of the Church.

Ethics of the Social Question

3. I will add, as regards compensation, that Catholic workingmen are free to hold that the present owners of capital need not be bought out at a price fixed by themselves ; that, as the purchase money of Irish land was diminished greatly owing to the judicial reduction of the landlords' rents ; or, as the selling value of public-houses has been greatly reduced owing to recent legislation ; ¹ so, if the State were to make impartial inquiry into the present division of profits, between capitalists and their employés, the annual receipts of the former might be diminished without injustice, and a corresponding diminution effected in the selling value of their estates. Whether this is or is not so, one cannot regard it as un-Catholic ; neither would a priest be justified in admonishing members of his flock that they are exposed to danger of perdition, if they look to any such reduction in the interest of the present owners of capital, as a means or condition of its being handed over gradually to syndicates of workingmen or to the State.

4. Supposing, then, that a Catholic may, without disobedience to Church authority, profess himself a Syndicalist or a Socialist, in the moderate sense just set forth ; it may be asked, further, whether he may become a member of a Socialist party, or of some local Syndicalist or Socialist club. And, as many trade union branches are now accused of Socialist or Syndicalist tendencies,

¹ This was written at the beginning of the war.

Catholics and Socialism

the question implies whether the prohibition, if any, extends to them.

According to the second principle laid down in the last Chapter, one may not become a member of any society which requires as a condition or test of membership, that one should accept a false tenet—or what one regards as false ; and, according to the next principle there laid down, membership involves disobedience to Church authority where such a tenet or society has been condemned by the Church. Now the Catholic with whom the present question deals is supposed to believe in the tenets of which he makes profession ; so that, before his own conscience, and apart from any ecclesiastical prohibition, he is just as free to join the Fabian Society as he is to become a member of the Reform Club.

Neither am I aware of any act of Church authority whereby Catholics are forbidden to become members of any Socialist club or party whatsoever. They have been warned of the dangers attending Socialistic bodies, and advised to shun them, for the sake of greater safety ; but I do not know either that such warnings and counsels are necessarily prohibitive, or that they are so as applying to all Socialist or Syndicalist parties and clubs. As the views of some individual Socialists are much more reasonable and moderate than those of others, it is natural that the same should hold of the clubs ; and it has to be proved, at least, in the case of any particular

Ethics of the Social Question

club or party, that, by reason either of its purpose or of its methods, it comes under the ban of the Church. A Catholic who professes Socialism or Syndicalism only in the moderate form set forth already,¹ is not likely to join any club of the extremists.

There are, of course, the general decrees to which both Father Lehmkuhl and Father Genicot refer, as quoted by Father M'Donnell;² but Father Lehmkuhl, as Father M'Donnell notes, would have the condemnation extend only "to those who profess that, if they had the power, they would not shrink from overthrowing, even by force, the structure of civil society, as it exists to-day."³ Father Genicot also contemplates associations which aim at "entirely overthrowing both Church and State"; seeming, no doubt, to imply that this holds of all Socialist clubs whatsoever. Is this his true opinion? Or is it a too general statement, due to carelessness of style? Father M'Donnell expressly says he "passes no judgment on those who call themselves Christian Socialists"; so that there may be Socialist clubs which, as far as he knows, are under no ban of the Church.⁴

¹ In this Chapter, under sections 2 and 3.

² *Supra*, Bk. II. Ch. i. pp. 111 ff.

³ To be strictly accurate, what Father Lehmkuhl does say is, that there is no doubt the condemnation extends "at least to those who profess that, if they had the power, etc."

⁴ This, again, to be strictly accurate, applies only to the clubs of those who call themselves Christian Socialists; but once you have made any exception, you will have to prove

Catholics and Socialism

But leading Socialists themselves, it has been said, have proclaimed their conviction that Socialism is opposed to Catholicism ; and that there is no room for good, consistent Catholics in the Socialist party or in Socialist clubs. I have no doubt that these men say and think so ; but it does not follow that they are right. Leading scientists have proclaimed, similarly, that there is no room for Catholics in the schools of science ; as leading biblical scholars and historians have declared that no Catholic can be a true historian or true critic of the Bible. Extremists, in every party, would excommunicate moderates—would have the whole party extreme. Even in the Church, there are, or were, those who would excommunicate Liberals—would regard them as no Catholics. It holds everywhere. Such pronouncements are not authoritative, until they have been made by authority ; which, in the case of Socialist parties or clubs, resides only in the vote of the majority of members, duly recorded. When it is decided in that way that any un-Catholic tenet is a condition or test of membership, it will be the duty of obedient Catholics to clear out.

5. It remains to consider the application of the fourth general principle of the last Chapter—that one is bound to dissociate oneself from any club or party which, in the general result, is doing

that a club, even though its members may not call themselves Christian Socialists, is so extreme in its aim and methods as to come under these general decrees of the Church.

Ethics of the Social Question

or likely to do more harm than good. I appreciate the fears of those who, while admitting that Socialism, in theory, is not necessarily evil, find it, in practice, so potent for evil, as to make it evil on the whole. By their fruits we know things ; and the bad results of the Socialist clubs are such as to counterbalance any good they do, and so to make it imperative on Catholics to have nothing to do with them, at least as members.

Here I confess myself at a loss to judge, for lack of personal experience of what the good and evil results may be. A professor of theology, having little contact with workingmen, and knowing of them only from newspapers,—not always an untainted source,—should have a modest and wholesome fear of error, in case he undertakes to balance the good and evil in a region of which he has so little knowledge. Had he not better confine himself to formulating principles,—providing the balance,—and leave it to priests on the mission, who come into daily contact with the world in question, to weigh its good and evil and judge of the result ? That is how I am disposed to act.

That many Socialist clubs,—even of those which evade the general rules 2 and 3,—are of such evil influence as to come under rule 4, I have little doubt. Whether this or that club is so, in this city or that parish, can be known only to those who know the club and place in question. Only in forming their estimate, priests, I think, should bear two things in mind :—

Catholics and Socialism

First, that they have to weigh the good results against the evil ; and that, to estimate the good, they should realise the hardships of the poor ; which it is one, at least, of the objects of such clubs to remedy or alleviate. And as it is hard to realise how the poor live,—for to realise it thoroughly, one must live as they do,—priests, whose lives are not quite uncomfortable, should take care lest they underestimate the good that is wrought, even by these Socialist clubs, among these poor sufferers.

Secondly, priests, I think, would do well to bear in mind,—now especially,—that trade unions are becoming more and more tinged with Socialism : that, at least, this charge has been made against them, by capitalists and the press which they control. Suppose it is so ; there is all the more reason to suspect that the Socialism into which these workingmen are lapsing is not of the extreme type set forth here as condemned by the Church. It will take evidence to convince me that the body of the labourers, either of the United States or of the British Islands, aim at “ entirely overthrowing both Church and State,” to use the words of Father Genicot. Let us take care how we excommunicate the great mass of these men, till “ harsh evidence ” shows conclusively that they can have no part with us.

6. There is not, I fancy, much need to discuss at length the question whether one may vote for a Socialist candidate ; or vote with the Socialists,

Ethics of the Social Question

in Parliament. One may vote for the less of two evils ; which may be a Socialist representative ; unless he should be very obnoxious indeed. And though one must never vote for what one believes to be evil in itself ; nor may a Catholic vote for anything that, like divorce, has been condemned by the Church ; one may have sufficient reason to justify a vote for something that is in itself useful, though it should be a Socialist measure, which, if passed, would do credit to the Socialists and enlarge their influence. So, too, one may have sufficient reason to combine with Socialists in voting against a ministry and driving them from power ; even though it might be deemed a triumph for Socialism, with a proportionate increase of their influence in public life. English Unionists, I fancy,—including the most conservative Catholics,—would vote gladly with the Socialists, if they had any hope of bringing about thereby the resignation of a Liberal government.

CHAPTER V

TRADE UNIONS OR GUILDS

IN the lectures which some of our clergy and laity deliver to workingmen, and the articles and booklets which are written for the benefit of the same class,—to warn them against the Socialistic tendencies of trade unions,—one hears or sees a good deal about the medieval guilds. I do not know whether they are held up as something to be revived, or merely to be lamented as past reviving; but, in any case, it cannot fail to help if we try to form definite notions as to what these institutions were and how they differed from our trade unions. The difference was, I think, that (1) masters as well as men were incorporated in the guilds; which (2) were under no inconsiderable religious control, at least of an indirect kind.

1. The guild belonged to a stage in the development of manufacture and commerce, when each separate business was small; and journeymen and apprentices lived, for the most part, with their masters, as members of the family. All were closely united; presenting a common front to enemies and competitors; and, as such, joined with neighbouring families of the same trade or

Ethics of the Social Question

business for purposes of defence and development. The result was a guild ; of which it was an essential feature that it comprised all who belonged to the trade or business,—masters, journeymen, and apprentices ; or masters and journeymen, at least.

The idea was, and is, an excellent one ; but it belongs to the past—to a stage in the development of industry that has almost disappeared. It lingers here and there, in backward places ; but in the great world of hired labour it has passed away. Think of the stock-holders of, say, the Steel Trust or the London and North-Western Railway, living with those whom they employ ! Why, even in shops, the assistants now lodge elsewhere ; may even go out to dine ; so that the old system, wherein master and men were one family, is no longer possible—not even thinkable. And so, lament it as we may, the medieval guild, in its most characteristic feature, is a thing of the past—dead beyond possibility of resurrection.

It is, of course, conceivable that masters and men, though living apart, should combine for mutual advance or protection—against outside competitors, let us say. Nay, though there may be no formal guild, union, or society of any kind, wherein the masters and men of the different trades and occupations meet, on terms of equality, more or less, to discuss questions affecting the trade, and take measures in common ; there can be little doubt that each of the parties knows the other's mind ; and that, however they may

Trade Unions or Guilds

dispute among themselves, they are ready to join hands in defence of the trade or business to which both belong. In so far they show forth the unity which characterised the guild.

In modern times, however, the differences between men and masters have become so much more pronounced than their community of interest, that, though both parties may be, and are, united—not very closely—to advance and defend the common weal, each is much more concerned to defend itself from the other. Hence there are masters' associations, to defend the masters against the men ; and men's unions, to defend the men against the masters ; nor is it at all likely that either party will agree to dissolve these sectional bodies, and merge them in a common guild, to which all—men and masters—would belong, with more or less equal rights. You may induce them to form such guilds—possibly ; but you are not likely to get either the masters to dissolve their associations, or the men to renounce the trade unions, till trade and commerce have reached a stage of development of which at present we have no conception.

So far for the first characteristic of the guild—that it was composed of masters as well as men : trade unions will remain ; nor will they be displaced by any guilds you may succeed in establishing. There was a time,—not so very long ago,—when good people hoped to settle the land question by establishing farming societies, wherein landlords

Ethics of the Social Question

and tenants would meet, on terms of equality, more or less, to discuss agricultural prospects and promote the interest of all who live by the land. An excellent idea ; which, it is to be hoped, will be realised as widely as possible. But if, in Ireland, before the land question was settled by purchasing out the landlords, you were to propose to the tenants to dissolve the Land League, and merge it into a combination of such farming societies, or even into the co-operative societies promoted by Sir Horace Plunkett, not only the tenants but the priests and Bishops would think you simple. Are the labourers more likely to merge their unions in guilds, which will be so much the less ready to fight the masters, as these will form an influential—perhaps the most influential—part of the guild ?

2. It remains to cultivate the second characteristic of the medieval guild—to bring the trade unions, as far as possible, under the influence of religion. Though not at all impossible, this may not be quite easy ; it will be effected in proportion to the sympathy felt and shown by us, priests, in the labourers' cause. Let me try to illustrate.

The land movement in Ireland,—a veritable revolution,—threatened, at its inception, to become revolutionary ; in the sense of being so unjust and violent as to merit condemnation by the Church. The movement was actually condemned by many elderly and high-placed churchmen—all animated by the best intentions. Had their ex-

Trade Unions or Guilds

ample been followed generally, by their colleagues in the ministry, the movement would either have been stopped or made ineffectual; or it would have become not only revolutionary but anti-religious, as happened to the revolution in France and Italy. If Ireland has been saved from that calamity, the happy result is due to the courage and forbearance of the great body of the clergy, Bishops as well as priests; who were not frightened by isolated excesses, and did not allow themselves to be either cajoled or bullied into opposition to the great majority of their flocks. In this way they were able to guide the movement; not, indeed, so as to make it quite irreprehensible, such as no great social movement ever was or will be; but so as to preserve the union between priests and people, and to keep their country as religious-minded and Catholic as it was before the agitation began. The Irish clergy could fight for and with the tenant farmers, because most of them were farmers' sons, and all of them depended on the farmers; hence they not only took part in the agitation, but could tolerate and allow for measures which they could not always justify. We shall do like service in the labour movement, if we cultivate the same sympathy;—if we take the same part in the struggle, and make the same allowance for the faults and aberrations of our comrades. The rôle, be it remembered, is much harder now, in that we are not, as a rule, sprung from the ranks of hired

Ethics of the Social Question

labour ; and that, in many parishes, we draw our support from the masters more than from the men.

There is a danger that priests, when they patronise or direct a fighting organisation, such as that of the labourers, may take all the fight out of it ; in which case, be sure, the men of action will leave. It happened in France, to the Sillon ; in Ireland, to the Catholic Association ; both of which became inefficient when they passed under control of the clergy. Can we expect labourers to be satisfied with Catholic trade unions as little able to fight employers as was the Irish Catholic Defence Society to fight—for whatever its objects were ? Will the labourers be content to be reduced to impotence ? Be sure that if, in Catholicising their unions, you enervate or emasculate them, other unions, not controlled by you, will soon be started ; and you will be left with a few confraternity men to direct.

Two other points should be weighed in this connection : that small unions are no longer able to put up anything like a successful fight ; and that, in English-speaking countries, the aid whereby alone they may hope to succeed, is supplied by non-Catholics. Separated from non-Catholic comrades, the Catholic workmen of England and America would be simply laughed at by the masters. Even in Dublin,—where, during the recent labour troubles, some attempts were made to form Catholic unions,—the workmen learned, by sad experience, that, even though they all stood

Trade Unions or Guilds

together, they could not succeed without active co-operation from across the Channel. Liberty Hall failed to secure that co-operation in sufficient measure ; and must not priest-directed, Catholic unions expect to meet with even greater apathy ?

I do not say it is impossible to counteract this natural prejudice, among non-Catholic workmen, against admitting to all the rights of fellowship trade unions which openly proclaim themselves religious and Catholic. To be of any real fighting value, the union must be secular, under the control of laymen ; and the clergy must strive to influence their policy by co-operating with them, where possible ; by fighting and starving with them, when it comes to blows and starvation ; and by tolerating many things of which they cannot approve. In this way we shall retain the men in our churches ; where, by lectures, the Mass, and the Confessional, we may hope to keep them religious.

Our policy, in brief, should be, not to turn the trade unions into guilds ; but, leaving the unions as they are, to sympathise and co-operate with them ; leavening the members from outside, in the churches and in private intercourse ; as is possible only while they feel that they may trust in and depend on us.

May I wind up this little book with an extract from a lecture by Christopher Reddin, B.A., which has been published as a pamphlet by the Catholic

Ethics of the Social Question

Truth Society of Ireland, under the title, *The Catholic Church and the Workingman* :—

“ Much that is useless is written and spoken against Socialists at the present time. . . . Abuse of Socialism as an impossible policy is useless and misdirected. . . . The sooner it is recognised that the Socialist State is not altogether impossible, the better will it be for the Christian world in its fight against the Socialist programme. Armchair writers—who, possibly, do not know what hunger is—aim their syllogisms at Socialist misconceptions and Socialist inconsistencies, forgetting all the time that Socialism is at present experimental, evolutionary, tentative in its methods, and perfecting with time its power of adaptability. Let it be made clear that if Socialism once gets a controlling voice in the nation’s parliament, it would soon find means for giving practical effect to its tenets. The abuse and invective at present hurled against Socialism, as an ‘ impracticable thing,’ is, in the end, only abuse of something without precedent, and what one expects to be said against everything in the experimental stage. The National Insurance Act was called impracticable by those who did not love it, and by employers who would have to pay out under its operation ; but when it once reached the Statute Book, the old motto of ‘ where there’s a will there’s a way,’ soon made light of the objections against it as an impracticable measure.” ¹

¹ See Mr. Reddin’s booklet, pp. 15 ff.

Trade Unions or Guilds

If Socialism is enticing the workingman as much as is being proclaimed, be sure, you priests, that he knows something about what it is, what it aims at, and what it does; and that he is not likely to heed your warnings against it, if, as he hears its tenets set forth, they are not so violent or irreligious as you represent them; or if the balance of evil to its credit, as he finds by experience, is not so great as you would have him believe.

APPENDICES

APPENDIX I

THE ETHICAL ASPECT OF BOYCOTTING

I

1. **T**HOUGH the term "Boycotting" originated in one of those agrarian disputes which were rife in Ireland thirty years ago, and was limited at first to designate combined pressure applied in similar cases ; it has now, I believe, acquired a wider signification, and designates pressure applied in connection with social and economic disputes of all kinds.

As to the nature of the pressure in which boycotting consists, I do not think it necessary to say more than that it is limited to refusal of certain services or social relations, such as working with or for, or having social intercourse with, those to whom the boycott is applied. It excludes violence and positive damage of every kind, as also abuse or insult—except in so far as it may amount to insult to be left severely alone, as the saying is.

The element of combination is always involved, in practice. For though it is conceivable that a number of persons should simultaneously, but independently, abstain from dealing with one who has made himself obnoxious ; in practice it will be found that the reasons for this are talked over and the boycott approved ; so that the element of combination will be found to be always present. It is well, however, to determine, in the first place, how far it may be right or wrong for an individual to put pressure on another by refusing to associate or deal with him unless he complies with certain conditions. The way is thus cleared for the

Ethics of Boycotting

solution of the further and more complex question in which the element of combination is involved.

Readers must not be disappointed if I fail to present them with a survey of the various judicial decisions that have been recently given in England and elsewhere. In so far as I have followed these pronouncements, I have not found them illuminating,—from my point of view, which is that of a moralist. Lawyers are wont to consider only the present state of the law of the land on questions of this kind ; whereas the moralist may regard the law as inequitable, if not unjust ; in which case he appeals to a higher court, where the question is what the law should be, not what it is. Hence, though it is not quite without profit that one wades through the many complicated and seemingly contradictory judicial decisions that have been given ; such reading is not so helpful as if the question before the courts had been the ideal rather than the actual state of the law—the only question which it is my purpose to consider.

2. It cannot be denied, I think, that for one reason or other,—principally, perhaps, because of its association with the land struggle in Ireland,—boycotting is under suspicion, to say the least ; and it may steady us and enable us to consider the question more impartially, if we bear in mind how widely the practice prevails, in struggles that have nothing to do with land, and in almost every civilised country.

It is part of the rules of most trade unions that, if certain conditions are not observed, the members shall cease to work ; thereby bringing pressure to bear on employers and others to observe the conditions in question. Retail traders will not deal with wholesale merchants, if these sell to the ordinary consumer at wholesale prices. Professional men will not meet in consultation those whom they believe to have violated what is known as the etiquette of the profession. You may be expelled from your club and cut in society,

Ethics of Boycotting

unless you conform to certain social regulations. Even nations are known to threaten one another with cessation of trade relations, if certain concessions are not made ; and in these islands there is an influential political party, not credited commonly with violent or dangerous opinions, which presses for what has been not unfairly called an international policy of retaliation—that is, for pressure of a negative kind applied to other nations, to make them observe what we regard as the conditions of fair trading.

It is easy to see that the pressure applied or contemplated in these and similar cases is, or would be, very severe ; and that its object is to compel others to do or to abstain from doing things which in nearly every case might be done or omitted without injustice to those who apply the pressure. Is it not a serious thing to pronounce a practice immoral which, under one form or other, is found to prevail in almost every grade of society ?

II

I. Coming now to questions of principle, it will be admitted, I think, that there are certain forms of pressure which one individual may, without injury of any kind, bring to bear on another, to induce him to do or to abstain from doing something which he has a perfect right not to do or not to abstain from doing. The simplest case is that of a bargain of sale, in which each party is pressed to dispose of property,—a thing which he has a perfect right not to do,—through fear of not getting what the other party has to offer. This pressure may be very great, as when a horse or boat is required to escape danger to life, or when a farmer or trader is in need of money to meet the demands of landlord or creditor.

There can be no doubt, I fancy, that in bargains of sale the pressure which consists in withholding the

Ethics of Boycotting

article or its price may be exerted without injustice of any kind ; by the seller, to secure something more than the minimum price ; and by the buyer, to secure the article for something less than the maximum. We have seen that pressure, in the form now contemplated, may be applied to secure the article or the price ; and the claims of strict justice appear to be satisfied if the price is anything within what is known as the maximum and minimum limits ; whilst equity—the only other virtue that intervenes, as a rule—does not require one to abstain from securing a medium price under threat of refusal to complete the bargain on any other condition.

2. Moreover, it will be admitted, I think, that the pressure which may be exerted in this way, without injustice or immorality of any kind, is not confined to a mere threat not to complete the particular bargain in question : one may legitimately threaten to abstain from future dealings. Who would blame a customer who has large transactions with a certain firm, if, to secure an equitable bargain in a particular case, he threatens to transfer his custom elsewhere ? Yet this form of pressure may well be very considerable.

3. Suppose, however, pressure of this kind—consisting in a threat of refusal to complete the present or to make a future bargain—to be applied to secure more than equitable terms, what then ? Here, as I think, the real difficulty commences.

I do not contemplate cases wherein buyers are pressed to give more than the maximum price, or sellers to accept less than the minimum : that would be strict injustice. But suppose the seller to demand the maximum, and to back up the demand with a threat—which, as we have seen, may amount to very considerable pressure—to transfer his custom elsewhere : would that be immoral, because inequitable, though not strictly unjust ?

The virtue of equity, I should say, has for its object what is fair and reasonable in transactions of this kind

Ethics of Boycotting

—something intermediate between the maximum and the minimum price, the limits within which strict justice operates.¹ What applies to price applies no less to other considerations, such as the conditions of labour—that, for instance, the room or workshop should be kept at a reasonable temperature or the air at a reasonable degree of purity.

The inequitable, I take it, is inordinate, and, therefore, immoral, in its own way, though not strictly unjust; which seems to imply that it is wrong to exercise pressure such as is now contemplated to secure inequitable terms.²

4. Accordingly, I am disposed to regard as morally right the application of considerable pressure, provided it consist in a threat to transfer custom; and provided, also, it is applied only to secure a just or even an equitable bargain. I am quite prepared to admit that there must be some proportion between the equitable or just right which one wishes to secure, and the amount of pressure which is applied. It is not for every trifle that a man may totally dislocate his own and his neighbour's trade relations; and I can well understand that

¹ “*Aequitas est virtus specialis, media inter justitiam et caritatem justitiæque pars potentialis, qua animus inclinatur ad humanum juris usum. Quid aliud hic habetur nisi imperfectum quoddam jus necessitatis? Aequa dicitur quædam communio lucri extraordinarii inter magistrum et operarium. Cur nisi quia in hoc quasi-jus est ad fructus ex labore colligendos?*”—Vermeersch, *Quæstiones de Justitia*, n. 482.

² “*Præter ea quæ ita cum bono personæ humanæ copulantur ut ejus participent inviolabilitatem ejusque efficiant jura, presse talia, alia sunt quæ hinc quidem valde congruunt personæ, illinc tamen stricte ab ea exigere non possent sine majori detrimento boni communis et hominum convictus, qui finis superior est ad quem diriguntur jura et officia. Facultas itaque inviolabilis illa faciendi vel exigendi non conceditur a natura, imo hæc sancit jus contrarium illa omittendi, cujus usus manet validus, etsi fortasse illicitus. Si tamen præstantur, res non est mere gratiæ et amicitiae, cum titulus sit in altero qua tali. Jam vero hunc ordinem medium procurat æquitas.*”—*Ibid.* n. 485.

Ethics of Boycotting

it is possible to transgress by bringing very great pressure to bear on some one with a view to wresting from him a comparatively insignificant, though just, concession.

5. What has been said applies with equal truth to pressure exerted in combination ; with this limitation, however, that combination tends to multiply the pressure enormously, and so to disarrange the proportions that should subsist between the pressure applied and the right vindicated. Because an individual may refuse to deal with a firm, for example, it does not follow that a large number of customers may combine to refuse to deal ; unless, indeed, the equitable or just right which they vindicate is considerable in itself and increases in proportion to the amount of pressure applied. It should be borne in mind, however, that a seemingly insignificant wrong may assume real importance as being but the thin end of the wedge, as the saying is.

Few, I fancy, would now deny the right of a trading company or of a club to refuse to deal except on equitable terms, or the right of a nation to secure by similar threats an equitable arrangement of tariffs. And as trade unions or tenant leagues are not to be denied the rights allowed to other combinations, I do not see how they can be deemed to act immorally when the members refuse to work or to rent farms except on equitable conditions of rent or wages : always, of course, provided the right they vindicate is so considerable as to justify such severe pressure ; that, in the case of labourers, they carry out any contract they may have entered into ; and, in the case of farmers, that they restore the land to the landlord.¹

¹ A critic, to whom this paper was submitted before publication, asked me to consider whether the last clause applies without modification to Irish tenant farmers ; who, though they may not have yet purchased their holdings under the Act of 1913, have been made part proprietors of the land by previous

Ethics of Boycotting

The whole question has been so little discussed by moralists that it is not easy to find authority wherewith to support opinions and arguments of any kind. I am happy, therefore, to be able to quote the following from Father Lehmkuhl, S.J. In relation to strikes, he distinguishes between what he calls self-defence (*Notwehr*) and self-help (*Selbsthilfe*), and continues:—

“ Self-defence is always self-help, but not *vice versa* ; the concept of self-help is wider ; it does not of necessity suppose that strict injustice has been committed by the other party [the employer], but extends to the effective maintenance of whatever the workers may demand and strive for without doing any injustice themselves. . . .

“ To enable one to decide whether in a particular case a strike is justified or not, it is of great importance to know whether it has or has not the character of self-defence. . . . Workers are never bound to continue for one day to work under unjust conditions, even though these should have been part of the contract, which, in this respect, would have no binding force. . . . Should the employers, however, be guilty of no strict injustice against the employed, the latter must observe the conditions of any contract they may have entered into, until this expires. They may, indeed, ask for more favourable conditions, but must not enforce the demand. Provided, however, they have given the notice prescribed in the contract, or at the expiration of the term agreed on, the workers can take combined action to enforce a much more extensive claim : they have a right to set a higher value on their labour ; and even

legislation. I do not see my way to alter the text, though I should like to see the matter discussed from the opposite point of view. For, apart from any question as to the nature of the tenant's proprietary right,—whether, that is, it is conditioned by the payment of just rent,—the landlord has, beyond doubt, a strict right to some part of the farm or its equivalent in money according to contract. Rights in strict justice, however, prevail over claims in equity such as the text contemplates.

Ethics of Boycotting

though these further demands should be unwise or unfair, they—the workmen—cannot on that account alone be accused of strict injustice.”¹

This is also the teaching of Father Vermeersch.²

Accordingly, I see no reason for condemning those members of clubs or other societies who cut other members or persons for being guilty of really dishonourable conduct; or those lawyers and physicians who refuse to meet in consultation other members of the profession who do not charge reasonable fees or observe reasonable professional etiquette; or those retail dealers who threaten merchants with loss of custom unless these observe reasonable conditions of trade. Nor can I see

¹ “Unter dieser moralisch-rechtlichen Rücksicht nimmt der Streik die Form einer Selbsthilfe an oder gar solchen Selbsthilfe, welche zur Notwehr wird. . . . Jede Notwehr ist Selbsthilfe; aber nicht jede Selbsthilfe braucht eine Notwehr zu sein. Selbsthilfe ist dem Begriff nach weiter; sie unterstellt nicht notwendig ein von anderer Seite zugefügtes Unrecht, sondern erstreckt sich auf die wirksame Geltendmachung dessen, was die Arbeiter, ohne selbst Unrecht zu tun, fordern und erstreben können. . . . Für die Art und Weise, wie der Streik gewöhnlich ins Leben gerufen wird, und für die Beurteilung der rechtlichen Seite desselben, ist es nun von grosser Wichtigkeit ob er als Notwehr auftritt oder nicht. . . . Zur Fortsetzung nämlich der mit Unrecht geforderten Leistungen sind zu keiner Zeit und für keinen Tag die Arbeiter verpflichtet, selbst wenn der Arbeitsvertrag, der nach dieser Hinsicht nur ein Scheinvertrag wäre, solche Bestimmungen enthielt. . . . Begehen die Arbeitgeber an die Arbeitern kein Unrecht, so sind die Arbeiter bis zum Ablauf der Vertragsfrist an die eingegangenen Verbindlichkeiten gehalten; sie können betreffs günstigerer Bedingungen vorstellig werden, dieselben aber nicht zwangsweise sich erobern. Allein unter erhaltung der vertragsmässigen Kündigungsfrist oder nach ablauf der Vertragszeit, können die Arbeiter, auch durch gemeinsames Vorgehen, in ihren Forderungen viel weitergehen: sie haben das Recht ihre Arbeit höher zu schätzen; selbst wenn sie darin bis zu einer unklugen und umbilligen Höhe gingen, konnte man sie noch nicht sofort des strengen Unrechts oder der Ungerechtigkeit zeihen.”—*Arbeitsvertrag und Streik*, pp. 55, 56, 59.

² “Operstititia quæ fiunt ad obtinendam mercedem maiorem, sed justam, licet fortasse summam, ex hoc capite non sunt inhonesta.”—*Quæst. de Just.*, n. 473.

Ethics of Boycotting

why the same principle should not justify strikes and the throwing up of farms, provided always the cause of complaint is not only reasonable but proportionate to so great a disturbance of economic and social relations.

III

A very delicate question now arises: whether the workmen who refuse to work, or the tenants who throw up farms, may bring pressure to bear on third parties,—other workmen or farmers, as the case may be,—to compel them to abstain from taking up the vacated employments or tenancies. I should like to emphasize the fact that there is no question of compelling them to abstain from fulfilling any just, though unfair, contracts they may have already entered into; but only of compelling them to abstain from entering into such contracts in future: from working, for instance, after the expiration of the period for which they had already contracted, or from continuing to hold a farm after the ordinary year's tenancy. Here also there are, I fancy, one or two simple guiding principles admitted by everyone.

1. The case has been made in which a butler gives notice to his master that he finds the cook intolerable and will not remain in service unless she is dismissed. Is this unjust to the cook? I do not contemplate a case in which there is no reasonable ground of complaint. But if the objection is reasonable,—as it may be, even though the butler suffer no strict injustice,—who would say that he is guilty of unjust or inequitable conduct towards either master or cook in pressing for her dismissal?

If all the servants in the house were to combine with the butler in opposition to the cook, and give notice to leave unless she is dismissed, are you prepared to say that, if they have reasonable ground of dislike,

Ethics of Boycotting

the combined pressure brought to bear in this way on master and cook alike is unfair or unjust to either? If not, you admit the principle that pressure, even in combination, brought to bear on one person to the detriment of another, is not necessarily unfair or unjust—provided there is reasonable cause for applying it.

2. Take now the case of those physicians or lawyers who refuse to see a patient or advise a client, unless he, in turn, ceases to employ another physician or lawyer who does not observe the etiquette of the profession. No doubt, if the rule of etiquette in question is an unreasonable punctilio, by no means necessary for the well-being of the profession, no one would justify the boycott. But if, as may well be, it is a reasonable or even necessary requirement, are you prepared to pronounce the boycott immoral?

Or take the case of retail dealers who refuse to trade with a merchant, if he sells to private customers at wholesale prices; or if he sells to other retailers whose method of trading is regarded as damaging to their class. This form of boycott is practically universal; or would be, were it not that the fear of it is so effectual; nor can we reasonably suppose that it would be so general if there were not combination of some kind to enforce it. Sensible men, I fancy, will deem it right or wrong according as they believe the class privilege which it maintains to be reasonable or unreasonable; which implies that a boycott as such, even in combination and as against a third party, may not be immoral.

3. If this is sound ethical teaching, it would seem to justify the rules under which certain trade unions refuse to work with other men who either do not demand the standard wage or fail to observe some condition which is regarded as reasonable or necessary for the welfare of the trade. Such a boycott would be unjustifiable, I believe,—not necessarily unjust, but at least inequit-

Ethics of Boycotting

able,—if the standard or condition in question were unreasonable. But may not tradesmen take this means to enforce equitable conditions ?

IV

1. I pass now to agrarian cases, in which the object of the boycott is to deter persons from becoming tenants of vacated farms. Two things are supposed : that the landlord gets possession of his farm ; and that the claims of the tenant who vacated it are not unreasonable. The boycott would then consist in treating any tenant who might take the farm as professional men, retail dealers, and artisans or workingmen treat those whose methods tend to depreciate unduly the status of their class. There would be no injury to person or property, but the offender would be left alone. There would be no dealings with him or with those who deal with him ; just as physicians will not deal with patients if they employ other medical men who do not observe professional etiquette ; or as retail dealers will not buy from merchants who insist on selling to other obnoxious retailers.

I should like to emphasize the rule that no injury should be done to person or property : hence, as I think, the farm should be given back to the landlord, for it is his by strict right. For the same reason no intercourse should be denied to boycotted persons to which they have a right in strict justice ; at least, unless, as would very rarely happen, by their conduct they were to inflict equal injustice on those by whom the pressure of the boycott is applied.¹

¹ "Handelt es sich um eine berechtigte Notwehr, dann darf diese je nach den Umständen durch Verweigerung sonstiger Rechtsleistungen verwirklicht werden : zur erzwingung meiner Rechtsforderung darf ich demjenigen, der mir Unrecht zufügen will, seine eigenen gleichwertigen Rechtsforderungen zu erfüllen mich weigern, um ihn auf diese Weise zu zwingen, von seinem Unrecht abzustehen."—Lehmkuhl, l.c., p. 57.

Ethics of Boycotting

It will be remembered, moreover, that one of the conditions under which pressure is legitimate is, that it be proportionate to the wrong, whether strict or merely inequitable, which it is calculated to avert or remedy. For this reason, as I think, it would be immoral to apply the boycott so far as to refuse the necessities of life. And if there be any form of social intercourse which is as necessary, morally speaking, as, say, bread is for physical sustenance ; it should be held, I think, to be outside the range within which the boycott could be applied legitimately. It is not for theological science, as I think, to determine what may, or may not, be a necessary of life, or whether in particular cases the pressure of the boycott is so severe as to be disproportionate ; these are questions such as in our courts of law would be left to the jury.

2. On this aspect of the question we are not left without authoritative guidance on the part of the Holy See ; which, as is well known, by a decree of the S. Congregation of the Inquisition, condemned as immoral the use of the Plan of Campaign and Boycotting in the disputes between landlords and tenants in Ireland. No Catholic theologian would think of questioning the doctrinal authority of the tribunal by which this decree was issued ; but perhaps it is not so clear that the decree itself was intended as a statement of ethical principles applicable to all manner of disputes, rather than as a condemnation of a particular group of actions—the methods of defence or aggression adopted at that time by a large number of Irish Catholics. In any case, the decree cannot fail to throw light on the question before us ; which, however, it will hardly be denied, must be deemed to remain more open, if the decision of the S. Congregation is to be understood as applying formally only to the moral character of the practices whereby it was occasioned. These are the words of the decree :—

Ethics of Boycotting

“ The question was proposed whether, in the disputes between landlords and tenants in Ireland, it is lawful to make use of what is commonly called *The Plan of Campaign* and *Boycotting*. After long and mature deliberation, the Most Eminent Fathers replied unanimously : in the Negative.”

In the letter wherein this important decision was communicated to the Bishops of Ireland, the following reasons were added by the writer, Cardinal Monaco :—

“ The equity of this decision is at once apparent when it is borne in mind that rent, which is fixed by mutual agreement, may not, without breach of contract, be diminished by the tenant on his own authority ; especially as for the settlement of these disputes tribunals have been erected with power to reduce unjust rents and make them equitable, taking account of failure of crops and of the calamities which may occur. Nor is it to be deemed right to exact rents from the tenants and deposit the money with persons unknown, passing over the landlord. Finally, it is opposed to natural justice and Christian charity to torment with a new form of persecution and ostracism, either those who are satisfied with the bargains they have made with their landlords, and are prepared to pay their rents, or those who, in the exercise of their right, take up farms that have been vacated.” ¹

¹ “ Eminentissimis Patribus Cardinalibus contra hæreticam pravitatem una mecum Generalibus Inquisitoribus, propositum fuit dubium : Utrum liceat in controversiis inter locatores et conductores fundorum seu prædiorum in Hibernia uti mediis vulgo appellatis *The Plan of Campaign* et *The Boycotting*—et ab Eminentissimis Patribus re diu ac mature perpensa unanimi suffragio responsum fuit : Negative. . . . Hujus judicii quanta sit æquitas facile quisque perspiciet, si animadvertat locationis pensionem, quæ mutua consensione statuta sit, privato unius conductoris arbitrio imminui, salva conventionis fide, non posse ; præsertim cum certa tribunalia hujusmodi controversiis dirimendis statuta sint, quæ pensiones justo majores intra æquitatis limites cohibeant et moderentur, habita etiam ratione sterilitatis et calamitatum quæ incidere potuerint. Neque fas

Ethics of Boycotting

The reference here to the peculiar conditions that prevailed in Ireland at the time the decree was issued, especially to the fact that the rents were fixed by public tribunals, and, therefore, must be presumed to be equitable—all this goes to show that it was the intention of the S. Congregation to decide what may be regarded as a particular case, rather than a general principle of morality. And though the reasons appended as regards boycotting seem to derive the immorality of the practice from considerations that prevail universally ; it should not be forgotten, I think, that the rents are presumed to be equitable ; which implies that the boycott was being used to support unreasonable claims on the part of the tenant class. I have contended all along that pressure of this kind, applied to support unreasonable claims, is quite immoral.

Moreover, I have heard it maintained, not without show of reason, that the clause "*nova quadam persecutione et interdictione saeviatur*,"—which I have translated, "torment with a new species of persecution and ostracism,"—implies that what is condemned was new, and, therefore, peculiar to Ireland ; and that the word "*saeviatur*" connotes anger amounting to rage and leading to cruelty, and an unreasonable method of defence.

Further, there can be little doubt that the S. Congregation took into account aspects of the case which are not expressly mentioned. I have insisted on the necessity of proportion between a right—in equity, especially—and the means taken to defend it ; as also on the priority of claims in strict justice as against

putandum, ut a conductoribus extorqueatur pensio et apud ignotos deponatur, locatore posthabito. Denique a naturali justitia et christiana caritate est omnino alienum, ut nova quadam persecutione et interdictione sæviatur sive in eos qui contenti earum pensionum de quibus cum dominis prædiorum convenerant, eas potius solvere parati sunt ; sive in eos qui vacuos fundos, utentes iure suo, conducunt."

Ethics of Boycotting

those in equity. Now some of those most conversant with what was being done in Ireland at that time, were of opinion that in many cases things were carried too far ; that the boycott was so severe as to amount almost to denial of the necessities of life ; that it was occasionally directed from motives of trade jealousy against inoffensive persons ; and that some farmers were supported in withholding rents which were due in justice. I cannot see how there could be any justification for the boycott in such circumstances ; and considerations of this kind were not unlikely to have influenced the decision of the S. Congregation.

It would be serious if the reasons appended to the decree were to be understood as setting forth general principles of ethical teaching whereby the Church would be committed, even though not definitively, to the doctrine that it is opposed to natural justice to apply considerable, though not extreme, pressure to deter persons from making bargains with which they are satisfied themselves ; or from doing something which, if done, would not be strictly unjust to anybody. For,—to come back to the illustrations of which I have made use so often,—no one would say that professional men, retail dealers, or tradesmen, commit injustice in the strict sense when they fail to observe what may be called the etiquette of their profession or trade : a failure, nevertheless, for which they are, or would be, severely boycotted by almost all their fellows.

V

It may be urged, I know, that pressure of the kind which I contemplate can be applied, whether by farmer, labourer, trader, or professional man, only by taking the law into his own hands ; a course which, when taken by a society so extended as some trade unions are, is hardly to be distinguished from incipient revolution.

Ethics of Boycotting

Everyone admits the enormous evils whereby strikes are attended, especially when conducted on an extensive scale ; and it has been my purpose throughout this paper to show that there is, or may be, no difference in principle between the action of, say, a physician who refuses to meet a fellow-practitioner in consultation, and that of a trade union whose members go on strike. The thin end of the wedge is introduced whenever you allow an individual to take the law into his own hands and press another to do what he is not legally bound to do. Yet I do not know that anyone would desire the State to decide in every case what price and other conditions are not only just but equitable. Such universal fosterage might have results even more detrimental to society than the land and labour wars with which, unhappily, we are familiar.

I do not mean, however, that the State should never interfere to decide what is just or equitable between contending parties. In Ireland, for instance, it has interfered to fix the price of land ; with results which sensible people, who are not partisans, approve of on the whole, as I think ; and which would be still more worthy of approval, if both parties to these agrarian disputes had an equal share in the appointment of the arbitrators. Many thoughtful and prudent men are desirous that similar tribunals should be erected for the settlement of some of the principal points in dispute between labourers and employers. It is for political foresight, rather than theological science, to determine whether and in what circumstances this is practicable. Consistently with what has been advocated throughout this paper, I should say that if such a tribunal had settled, let us say, what should be considered an equitable wage, it should be presumed to be inequitable, and therefore immoral, to strike for more ; and this even though the increased demand might not be regarded as strictly unjust or as exceeding the maximum price. This supposes, however, that the tribunal is

Ethics of Boycotting

impartial ; a condition which may not be realised, or —what comes to the same thing in practice—may not be admitted, if the members of the tribunal are appointed practically by one of the parties to the dispute.

In this connection I should like to put on record what a Solicitor-General for England, Sir W. Robson, said in the House of Commons, when moving the second reading of the Trade Disputes Bill.

“ I might be permitted,” he said, “ to say something about the law of conspiracy ; and to illustrate why it is that those who are interested in trade unions, are naturally, and properly, desirous that industrial conflict should not be made the subject of litigation ; because, remember, that is the real meaning of the recent decision—that industrial conflict shall be made the subject-matter of litigation before tribunals on which no workingman can sit ; because, of course, special juries do not contain workingmen.”

After quoting Lord Lindley’s judgment, in the case of “ *Quinn v. Leathem*,” to the effect that “ a threat to call men out, given by a trade union officially to an employer of men belonging to the union, and willing to work with him, is a form of coercion, intimidation, molestation, or annoyance to them and to him very difficult to resist, and, to say the least, requiring justification ” ; the learned speaker proceeded :—

“ What is the possible justification under the existing law ? It requires justification before a special jury, with not a workman on it ; this, as between employer and workmen, requires justification before a tribunal either of employers or of men drawn from the employing class. Can anybody say that, with the law in that condition, the right of combination in relation to trade disputes in England any longer in any substantial sense exists ? It has gone. When these cases come to be considered as matters of principle, and when these principles thus laid down by eminent legal authorities are pushed to their inevitable and logical extreme, you have

Ethics of Boycotting

no right of combination left. I regard this as a most serious condition of things, not merely from the point of view of trade unions, but from the far wider point of view of the community."

VI

It remains to say that the conclusions set forth in this article are advanced with a view to stimulate discussion of a question which has hitherto received little attention from writers on morals. Before concluding, I deem it well to repeat the caution already given, that I have abstracted throughout from the question as to what may or may not be the law of the land, and have considered only what it should be. It is more than possible that if one were to attempt to carry out in practice what is set forth here as permissible, one might thereby come into conflict with the law as it stands. I do not recommend or justify any such procedure.

APPENDIX II

THE LIVING WAGE

[This paper was called forth by two others from the pen of Dr. J. M. Harty, now Archbishop of Cashel, the first under the title : "The Living Wage : Its Ethical Basis " ; and the second under the title : "The Living Wage : Its Ethical Conditions." Both had appeared in *The Irish Theological Quarterly*, Vol. II.]

IN Dr. Harty's articles on this question there are one or two points on which I have not found conviction. I have not given the subject sufficient thought to justify me in saying that his argument is invalid ; but though this is not a department of theology in which I have taken at any time very special interest, I may, perhaps, represent something more than average knowledge of the question ; so that readers of this journal may find it to their advantage if he will kindly explain, as I am sure he can, the difficulties which occur to one like me. Perhaps he has done so already. In that case I would ask him kindly to repeat himself ; varying the form as well as expanding and illustrating it, so that we may be able to see our way, even though not so clearly as he.

I am able to accept nearly all his conclusions : the main difficulty which I feel,—and which, as he states, is felt by many experts in the subject,—is connected with the principle in which he finds the ethical basis of the right to a living wage. There is one of his conclusions to which I could not subscribe in the present state of my knowledge : that " buyers are bound [in strict justice to those by whom what they purchase was produced] to give a price which will enable the employer to grant a living wage to his workmen."

Living Wage

Perhaps the clause which I have inserted distorts the meaning ; and it is possible that I draw conclusions from the sentence which it will not yield. I shall try to formulate a question which will give an opportunity of fuller and possibly clearer explanation.

I

And first, with regard to the basis of the right to a living wage,—a right which I am not at all disposed to deny,—three main views are set forth in Dr. Harty's first article. According to the first view, which he himself adopts, "the living wage is the present-day expression of the workingman's claim to the common goods of the race" ; according to the second, the right "is based on the equality which ought to exist between the wages and the energies expended by the workman" ; while the third holds that the right is to "be defended on the principle of just price." I will say at once that I have no sympathy with the second of these views. Dr. Harty, as I understand him, is of opinion that the third may, and should, be defended, so that it would come in substance to the first. This is precisely what I do not understand, and should like to see more fully explained. In the present state of my knowledge I cannot reduce the third view to the first ; and it is the third, not the first, that I am disposed to regard as the right view.

I think myself justified in assuming that Dr. Harty regards the contract between workman and employer as one of sale, the wages received being a true price of the labour given. There are some theologians, I know, who either refuse altogether to admit that human labour may be bought and sold ; or at least contend that it is not like other "wares," and so must be bought under special conditions. I do not deny that there are aspects—of freedom, morality, merit of reward in the next life—under which it is much superior to what we are wont

Living Wage

to call wares or merchandise ; but I fail to see how this affects the question, since it is not under these aspects that labour is a matter of contract between workman and employer. The contract between them is not merely one of *do ut des* ; the labourer, where he can, makes it a condition of giving that he shall get in wages the equivalent of his labour ; the employer, the equivalent of his money. That is the very essence of a contract of sale ; the equivalent being determined by common estimation, as a rule, provided this is not the result of unjust pressure.

I assume, moreover, that Dr. Harty does not measure the justice of sales of all kinds by the rule of supply and demand merely ; but admits that undue pressure may make a bargain unjust, where the supply is limited and the buyer's necessity so great as to leave him practically no option but to enter into the contract. When in flying from assassins, one needs a boat to cross a river, the fact that there is but one boat to be had will not justify its owner in making an exorbitant charge for the use of it ; though in such circumstances there is no one who would not give almost all he possessed for the use of a boat.

The difficulty which I feel about wages will, I think, be more manifest if I am allowed to raise the following question :—Is there anything peculiar about the sale of labour by reason of which the contract may be unjust to the seller—the labourer—because of pressure brought to bear on him to force him to resign some part of his share in the common property of the race ; whereas a contract of selling, let us say, a pair of boots or a sack of corn, would not necessarily be unjust, even though it were made in the same circumstances and under precisely similar pressure ? Is there anything peculiarly sacred—in the sense of giving a right to a share in the store which is common to the race—about labour more than there is about its result and representative, the wares which it produces ?

Living Wage

It will be admitted, I think, that labour can be sold in two ways : (1) directly to an employer who uses it to improve raw material which is to remain his—the employer's—property after it has been improved ; and (2) in its result, as when a bootmaker sells boots made by himself for himself. Small farmers and agricultural labourers live in almost precisely the same way—by labour ; but whereas the labourer sells his labour to the farmer, the farmer sells the fruit of his labour, more or less directly, to the consumer. The question I have raised is, whether there is about the labourer's contract with the farmer anything peculiar which does not apply to the farmer's contract with the merchant ; by reason of which in one case, but not in the other, pressure applied to force a sale might deprive the seller of his due share in the common property.

I do not see how, if you insist—as Dr. Harty does, following very high authority—on the labourer's duty of preserving his life, and his right to a share in the common store, as the basis of his right to a living wage—how, if you insist on this, you can deny the farmer or bootmaker a right to what may be called a living price for his corn or his boots ; so that, as I see things, the whole question would come to this : What is the just price of any commodity, whether labour or the fruit of labour ?

It is not usual, however, to make it a condition of just price—let us say of boots—that the seller, as being under obligation to support life, must not be deprived by the contract of his share of the common property of the race. A contract of sale may be unjust to the seller by reason of pressure brought to bear on him to sell ; but, as I have hitherto understood the *raison d'être* of this condition, it is admitted on the ground that otherwise the seller could not be deemed to have freely *parted with* his corn, boots, or whatever else he may have sold ; not on the ground that he is *kept from* his due share of some other store of which he is not

Living Wage

yet in actual possession. To be enabled to live fairly comfortably,—which means to have a moderate share of what the Creator has provided,—is, no doubt, the reason why farmers and bootmakers labour to produce or improve things ; as it is also the reason why, having produced them, they will not sell them,—without pressure which is deemed unjust, at least in certain cases,—except for a price that will enable them to live in frugal comfort. In that sense desire of frugal comfort is one of the most potent of the factors that go to make what is called the “common estimation,” which is recognised as one of the conditions of just price. To me, however, it seems one thing to say that desire of a moderate share of the goods provided by God for the support of humanity, is one of the most potent of the factors that go to determine what is a free, and therefore a just, contract of sale ; and another thing to maintain that, should that desire not be satisfied, the contract may be unjust, not precisely because the seller was not sufficiently free in resigning his right to what he sold, but because by force of some kind he was deprived of access to some other good in which God had given him a share. This second view may be true ; and, should Dr. Harty accept it as his, I have no doubt that he will be able to show that it is based on solid reasons : no one will be more gratified than I to see this established.

To illustrate the view that I have deemed reasonable hitherto, let me put the following case:—A multi-millionaire, flying from assassins, comes to a river which he cannot cross except in a boat ; there is but one boat, for the use of which its owner demands a great sum ; not so much, however, as, in the case, would deprive the payer of reasonable hope of not only comfortable but luxurious maintenance. We are all agreed, I assume, that the contract of sale is unjust ; yet no one is thereby kept out of a comfortable, nay, even luxurious living. It is unjust because the man who

Living Wage

pays the money does not part with his goods with sufficient freedom, and not because he is kept from his due share of the common store. If this be so in any one case of sale, it must be deemed to be so in all other cases, unless in so far as a difference may be established.

This, perhaps, is the most convenient place to discuss the argument which is based on the received doctrine that goods are, to some extent, common property in cases of extreme necessity: Dr. Harty refers to it. I do not deem his contention in any way absurd or inconceivable. As regards possibility, I can very easily conceive God to have given all men a right to the goods of the earth subject to two conditions: (1) that in cases of extreme necessity, when it is impossible to live by labour, each one may without labour take as much as will support life; and (2) that in case the person who is in need can and does labour, he shall have a right to receive in payment not only what is necessary for bare support, but what will enable him to live in frugal comfort. Granted the possibility of all this, I think it may be contended with some show of reason that the second of the conditions just mentioned is new, and should not be introduced merely on its being shown to be possible. Perhaps it was possible for God to grant us all a right, in case of necessity, when we cannot labour, not only to a bare support, but to modest comforts: an order which, however possible, is not recognised as having been actually established.

As far, therefore, as my knowledge goes, I do not see why we should not prescribe the same conditions for the contract of sale of labour as for that of any other commodity, recognising always that the object for which the average man labours is to be enabled to live in frugal comfort. Without hope of this few would labour as workmen do, except under such compulsion as, at least when it is not general, makes the sale of labour as of all other commodities unjust to the seller.

Living Wage

I am not disposed to deny that by basing the workman's right to a living wage, not only on what is required for a free contract of sale, but on the obligation under which he lies to support life, the writer of the Encyclical *Rerum Novarum* seems to imply that the basis of the right is some claim which the workman has to frugal comfort, on condition of work, antecedently to his bargain with his employer. Perhaps what is meant is that, antecedently to the bargain, there are natural conditions which secure that the common estimate of the value of labour shall be such as to make its just price sufficient to provide the seller with frugal comfort, when this does not interfere with the buyer's reasonable profits or proprietorial rights. Should the Encyclical not be capable of this interpretation, I, at least, shall feel in need of and thankful for some solution of the difficulties which I have been trying to set forth.

II

I now turn to the second point on which I do not yet see my way to accept Dr. Harty's view—that "buyers are bound [in strict justice to those by whose labour what is bought was produced] to give a price which will enable the employer to grant a living wage to his workmen." That is, as I understand it : he who buys a coat commits strict injustice against the tailor by whom it was made, on the supposition that he—the tailor—was a hired workman, and that he did not receive a living wage ; and also supposing that the price paid for the coat is not sufficient to enable the man's employer to pay him such a wage. I have already expressed a hope that my parenthesis does not distort the meaning of Dr. Harty's sentence ; and I am no less anxious that the case which I have now given in illustration should be to the point and its solution such as he would accept. In matters of this kind it is so easy

Living Wage

to construe statements unfairly : all I can say is that I have no wish to do so, but only to bring out the truth.

The only reason given for this conclusion, as far as I can find, is the following :—“ It is evident from what has been already said that the obligation in strict justice [of paying a labourer a living wage] binds, in the first place, the employer, who is the immediate recipient of the fruit of the worker’s toil. The obligation, however, does not rest solely on him, because he is not the only beneficiary of the labourer’s work ; there are many receivers of the good which the workingman helped to produce ; in fact every buyer down to the consumer, or at least the last who utilises the product, has obligations towards the producer.”

The obligation in strict justice, therefore, arises from the fact that he who buys an article for less than what is necessary to enable the employer of the man who made it to give him a living wage, is a receiver of some part of the workman’s property. Is this a fair statement of the reason assigned ? And is the reason valid ?

Let us compare the hired workman’s case with that of others. A butcher sells a joint cut from the carcass of an ox that had been owned by A., but fed on corn belonging to B. This B., no doubt, has a claim against A. for injury done by the ox ; but has he a claim against the butcher also, as receiver of his—B.’s—goods ? Has he a claim on the same grounds against the purchaser of the beef ?

Or take the case of an artist who paints a masterpiece of great value on canvas that belonged to another. When the picture is finished the man who owned the canvas has a claim against the painter ; but does he continue to own the canvas ? If the painter sells the picture before satisfying the claim of the owner of the canvas, does he transfer to the purchaser any part of the obligation under which he lay, of making restitution to the amount of the worth of the canvas, on the ground

Living Wage

that this still belongs to its former owner and *clamat domino*?

I have not been accustomed to look on buyers in cases of this kind as receivers of other people's property; I shall be very much surprised, indeed, if that is Dr. Harty's view; and I do not at present see any reason for distinguishing between the labourer who is not paid in full,—who may, indeed, not have been paid even in part,—and those whose corn or canvas may have been used up without compensation. All of them contribute something to the value of what is bought; the workman his labour, the others their corn or canvas. As none have received compensation for what they gave, they have a claim on the person who used up their goods or labour; but if the corn and canvas become the property of him who so occupied them, leaving only a claim on his person to the previous owner, how can work sold to an employer of labour leave a claim not on the employer's person merely but on the product? What would become of us if we were liable for the wage-bills of all those from whom, immediately or mediately, we may have purchased anything?

At the risk of digression I may state here that I never could regard as valid the claim put forward on many platforms during a stage, happily now passed, of the Irish land agitation—a claim that improvements made on farms were so much the property of the tenants by whom they were made, that the landlords could not justly sell or let them as part of the farm; so that “grabbers,” as they were called, were held to be in unrightful possession of the property of their predecessors. I do not refer to land of so poor a quality that after the improvements were made these might be reasonably deemed the principal part of the property. I refer to the ordinary Irish farm, of which the principal part is the land itself; and I do not deny that there may have been a claim in strict justice against the landlord's person for the value of the improvements.

Living Wage

But if accession in its various forms is to be recognised as a title valid in justice, I cannot see how, in cases of this kind, improvements made do not become the property of the owner of the farm—the landlord—who can sell or let the whole concern, land and improvements, to any other tenant ; that is, on the expiration of the contract with the present holder, and on condition of satisfying any claim he may have on his—the landlord's—person by reason of improvements made upon his property.

The only principle on which I can conceive buyers of goods to be bound to compensate the workmen by whom the goods were produced, for any injury done them in being compelled to work for less than a living wage, is that by not giving a sufficient price buyers aid and abet employers in doing injury of this kind. I do not see my way to deny the possibility of cases in which this would hold ; but I do not look on the principle as being of any practical value in ordinary commercial life. The poor man who buys a coat or a sack of flour is not in a position to make the necessary inquiries as to whether the maker or producer was sweated and so deprived of a living wage, by an employer for whom and in circumstances wherein this would be strict injustice.

III

I deem it well to repeat that, as far as my opinion may be of any value,—and in matters of this kind I do not myself set much value on it,—I am an advocate of a living wage to the same extent practically as Dr. Harty. I have hitherto been accustomed to base the labourer's claim on the recognised conditions of just price, regarding the contract as one of sale, which may be unjust to either of the parties as a result of error or pressure. That the average man does not and will not work as labourers work, except under pressure or

Living Wage

for a living wage, I do not think it necessary to prove. It is a question, therefore, in buying and selling labour as in all other contracts of sale, whether, when the seller does not receive a living wage, the pressure which has been applied to him is just or unjust in the circumstances; whether, that is, the contract is sufficiently free to safeguard the natural independence of the workman. A much wider issue is thus raised, on which, perhaps, the safest way to come to a decision would be to take up separately and compare the various minor questions involved—the different ways in which pressure may be applied to compel a sale of labour or any other commodity.

Should the pressure be so general as to affect the common estimate of the value of the thing sold,—of labour as of other things,—I do not see my way to regard as unjust a price or wage which the average seller would be disposed to accept in the circumstances, however in other circumstances he might hold out for better. This is to be understood on the supposition that the pressure has not been produced artificially by those who buy, by means calculated to secure cheap bargains for themselves. In that case I regard it as a nice question in ethics whether the common estimate of what it would be well to give or accept as the price of commodities, is to be deemed the measure of their value, so as to leave the bargain just on both sides. The received teaching as regards monopolies implies that in such circumstances common estimate of what it would be well to give or accept is not the measure of a just price. I am disposed to apply this to the market for labour as well as for all other wares; and to pressure, however produced—by capitalists with a view to purchasing labour cheap, as well as by labourers, with a view to selling it for more than it would be held to be worth if the market were left perfectly free and open.

It is, moreover, for the rulers of States so to frame

Living Wage

laws, man tribunals, distribute taxes and other national burthens, and make other arrangements, as not only to prevent these unjust combinations, but to protect the weaker party, whether labourers or employers, from what may be deemed inequitable, though possibly not strictly unjust, pressure, in times of trade depression, however occasioned. I know well that this is a matter of extreme delicacy, needing the greatest caution ; but I am no less persuaded that caution should not amount to absolute non-interference, as has been the case too often and too long. Such State interference has, undoubtedly, had a beneficial effect in the long-continued Irish land controversy ; there is no reason why other disputes should not be settled in like manner. It may take some pressure applied to Governments to induce them to make the effort ; and it is a pity, no doubt, that this should be so. So long as the pressure is reasonable in proportion to the grievances that have to be redressed, I do not find it in me to denounce it as immoral ; just as I cannot bring myself to denounce as immoral combinations, whether of employers or of labourers, formed with a view to safeguard the rights of the members, by reasonable pressure applied to those who may be disposed to treat them harshly ; even though this harsh, inequitable treatment should not amount to violation either of strict justice or of the law of the land.

APPENDIX III

THE JUST PRICE OF LABOUR

I

IN January, 1906, there appeared in *The Irish Theological Quarterly* an article of mine on "The Living Wage"; which was called forth by another article under the same title, by a colleague, Dr. Harty, now Archbishop of Cashel. I ventured to propose certain difficulties which I felt; as to which I should welcome further explanation. He replied in the next number; without relieving my difficulties, I regret to say; so that I became more sceptical as to his main position. Since then my doubts have increased.

I understood His Grace to teach that the right to a living wage is not formally due to the labourer's contract with his employer; but that it is antecedent to such contract—given by Nature herself, on condition of labour. My difficulty was that one may live by labour in two ways: by entering into the service of an employer, and by selling things one makes or produces; and that I could not see how a journeyman, who makes boots for wages, should be better provided for, by Nature, than one who lives by making and selling boots; as would be the case if, antecedently to the contract which he makes with his employer, the journeyman were endowed, by Nature, with a right to as much of the goods of the earth as amounts to a living wage. That there is no such provision for the other,—who lives by selling the boots he makes,—is plain from the fact that he can take for his wares only

Price of Labour

the just price of the same ; to be determined by common estimation, independently of any antecedent right, given by Nature, to part of the common store. Journeyman and master alike live by labour ; each by way of contract—one for wages, the other for the price of boots. But, whereas one, who contracts for wages, is entitled to a living antecedently to his contract ; Nature makes no such provision for the other ; who belongs to a class which, one would think, it is much more desirable to encourage—those who, remaining their own masters, live by selling the wares they produce.

To this argument His Grace replied, in Section II. of his article, that “there is an essential difference between labour and merchandise, which places them on substantially different bases so far as determining their value is concerned. Labour has all the attributes of merit, while ‘wares’ can in no sense be looked on as meritorious. Labour proceeds from human freedom as a personal action, and as such has a power of obtaining a reward not merely in the next life but also in this life, from those in whose favour it is performed. . . . There is, consequently, in labour a personal dignity which cannot be found in mere wares ; no grace of style or charm of diction can infuse into silk or satin, coal or timber, billiard-balls or cues, that personal attribute, the meritorious value of which can be judged by the primary end for which labour capacity has been given by God—viz., the preservation of life, which is the bounden duty of each and all, and which the poor can procure in no other way than by work and wages.

“It follows from what has been said that, in judging what is the fair price of labour it is not enough to consider its value from the purely economic point of view ; it is necessary also to consider its worth from the point of view of merit. Taking labour under its first aspect, common estimation appraises it in the same way as it appraises other articles of merchandise. Taking labour under its second aspect, common estimation must needs

Price of Labour

take into account the necessary relation between labour and the labourer's bounden duty reasonably to preserve life. Under the former aspect labour has an *infimum* and a *maximum* price, just as other marketable commodities; under the latter aspect, labour has for its *minimum* just price as much of the world's goods as will preserve life in a way that is worthy of human personality."

Here, of course, I am glad to find it admitted that labour, under any aspect, "has an *infimum* and a *maximum* price, just like any other marketable commodity"; a price, therefore, I take it, to be determined, as in the case of other marketable commodities, by public estimation. That, I understand. But then, labour has an aspect of merit; and, as such, "has for its *minimum* just price as much of the world's goods as will preserve life in a way that is worthy of the dignity of human personality." This I do not question either; in so far as it implies that, one way or other, the minimum price of labour is a living wage—in ordinary circumstances. I do not, however, understand how this minimum price of labour is not based, entirely and formally, on the contract of sale of the labour, under whatever aspect you will; but is, in whole or part, given by Nature herself antecedently to any such contract. The minimum price of labour,—as merit, if you will,—is a living wage; but, then, it is the price of labour, and not any right to some part of the world's goods given by Nature antecedently to the contract of sale.

That labour has an aspect of merit I do not doubt; though I doubt very much whether it is under this aspect it should sell for a minimum of a living wage. What has merit to do with determining the commercial value of an article? "Taking labour under its second aspect"—as merit,—"common estimation must needs take into account the necessary relation between labour and the labourer's bounden duty reasonably to preserve life." Surely that is not an aspect of merit,

Price of Labour

but of duty; so it is not, after all, the aspect of merit, so much as that of duty, which serves to determine the minimum price.

Taking, moreover, this aspect of duty, does it not occur to one to ask whether it is only journeymen bootmakers who are bound to preserve life reasonably, and not those who live by selling the boots they make. Since these also are bound to preserve life, and since they fulfil the obligation by making and selling boots,—a perfectly legitimate and meritorious way of living,—should not common estimation, in fixing the price of what they sell, take into account the relation between the boots they make and the life they preserve by making them; and so fix the price at what is reasonably necessary to preserve life? So the old difficulty returns: as journeyman and master alike live by making boots, why should the one, but not the other, be entitled to such a price as will enable him to support life in frugal comfort?

II

Throughout his article, the Most Rev. Archbishop tries to make it appear that what I proposed,—and I proposed it merely for consideration,—was contrary to the official teaching of the Holy See. This, I suppose, is fair enough;—it must have been deemed easier, at any rate, than to face squarely the difficulties I had raised, with a straightforward and clear explanation.

Even the opposition to Pope Leo will be found to disappear, I hope, on closer examination of the teaching of that Pontiff. His Grace of Cashel relies on a passage of the Encyclical *Rerum Novarum* which is so obscure as to have suggested questions which were sent to the Pope for answer. They were officially submitted to a Consultor; whose opinion, though not adopted so as to make it official teaching, was made known officially to the eminent prelate, Cardinal

Price of Labour

Goossens, by whom the questions were submitted. The Consultor, it is understood, was Cardinal Zigliara, who had a hand in preparing the Encyclical ; and who, for that reason, ought to know as much as another of what it purports to teach. Now, his interpretation seems to me not so very unlike that which I suggested.

The document opens by reciting the passage of the Encyclical to which, according to the Most Rev. Dr. Harty, my suggestion is opposed ; and which is to the effect that even though, as a rule, “workman and employer should bargain freely, especially as to the amount of wages, there is a claim of natural justice greater and more ancient than any free will of the parties, to the effect that a wage should not be insufficient to support a frugal and well-conducted workman.” On this Cardinal Goossens raised the question “whether the words ‘natural justice’ are to be understood of commutative justice or rather of natural equity.” And the Consultor’s reply is that, “per se loquendo, it is to be understood of commutative justice.”

A lengthened explanation which follows begins with a distinction, as in the Most Rev. Dr. Harty’s article, between labour and wares ; on the ground that labour is meritorious, and, as such, entitled to reward. Immediately, however, the distinction is laid by ; when, “for clearness’ sake, the labourer’s work is regarded as a form of merchandise, and [his] reward, or wage, as a kind of price. Not unreasonably ; since, though the work of a labourer is something nobler than merchandise, it retains nevertheless the full nature [totam rationem] of merchandise,—in so far as this is related to price.” This is enforced by a quotation from the *Summa*, to the effect that “a wage is what is paid to one by way of return for work or labour—as a certain price of the same. Hence, as it is an act of justice to pay a just price for what one receives from another, so also it is an act of justice to pay the wages of work for labour.” When, however, wares are bought, the

Price of Labour

obligation of justice, to pay the price, derives formally and wholly from the contract, and not from any antecedent claim to live on what one makes and sells—boots or such things. So in the case of labour and its price. “For as buying and selling, so work and wages are for the common utility of the contracting parties; inasmuch, that is, as one wants the goods or work of the other, and conversely. But what is for a common utility should not be a gravamen on one more than on the other; and therefore the contract of justice between master and workman should be arranged according to the equality of matter which is characteristic of commutative justice.” The order of “natural justice” of the Encyclical, therefore, results from a contract of sale, in the case of hiring a workman to make boots, as in that of buying a pair of boots which he has made.

There should, however, be equality in both cases; and this must be determined by some criterium. “In the Encyclical it is laid down that the criterium is to be sought in the immediate end of the workman, whereby he is under the natural duty and necessity of working; that is, for the food and clothing [that are needed] to support life fittingly, and towards which manual labour is primarily and principally ordained. Whenever, accordingly, work is such that the workman thereby satisfies the aforesaid natural duty of his,—of attaining the immediate end of his labour; while the wage is insufficient to enable him to attain that end,—to wit, suitable food and clothing; speaking *per se*, and taking into account the nature of things, there is objective inequality between the work and the wage, and therefore a breach of commutative justice.” If the wage is unjust, it is because the contract is so; as if, under pressure, one sold a pair of boots for less than the minimum price.

Then follow two important considerations; one to the effect that “as the price of saleable things is not determined exactly by law of nature, but consists rather in a certain common estimation, so also must

Price of Labour

we say of labour generally." The other consideration is to the effect that "in assigning the equality of justice between wages and manual labour, common estimation takes account not only of the quality and quantity of the work, but also of the time of its duration, as well as of the prices of the things which the labourer must buy to provide suitable food and clothing,—which prices are not everywhere the same." A master, it is added, may give a bonus, if he wishes; and then comes this concluding observation. "The principles, that is, which are laid down for just buying and selling, hold for this question of ours."¹

¹ I have translated almost literally, lest I should fail to reproduce the meaning. As a further precaution, it may be well to submit the original, in full:—

"In *Encyclica Rerum Novarum* dicitur: 'Esto igitur, ut opifex atque herus libere in idem placitum, ac nominatim in salarii modum consentiant, subest tamen aliquid ex iustitia naturali, idque libera paciscentium voluntate maius et antiquius, scilicet alendo opifici, frugi quidem et bene morato haud imparem esse mercedem oportere.'

"*Dubium I.*—Num verbis: 'Iustitia naturalis' intelligitur iustitia commutativa, an vero aequitas naturalis?

"*Ad dub. I.*: Per se loquendo intelligitur iustitia commutativa.

"*Explanatio*:—Equidem opus operarii plurimum differt a mercimonio, sicut merces differt a pretio. Opus enim operarii est opus procedens a libertate humana, induens propterea rationem meriti et iuris ad mercedem, seu premium; et ideo longe nobilius mercimonio et pretio, quae sola permutatione absolvuntur. Nihilominus, gratia perspicuitatis, opus operarii consideratur ut quaedam merx; et praemium seu merces ut quoddam pretium. Nec immerito: nam licet opus operarii nobilius quid sit merce, totam tamen retinet rationem mercis, ex qua parte haec dicit ordinem ad pretium. Rectissima ergo est ratiocinatio S. Thomae (1. 2. q. 114, a. 1: 'Id enim merces dicitur quod alicui recompensatur pro retributione operis vel laboris, quasi quoddam pretium eius. Unde sicut reddere iustum pretium pro re accepta ab aliquo est actus iustitiae, ita etiam recompensare mercedem operis vel laboris est actus iustitiae.' Actus iustitiae, inquam, commutativae. Sicut enim emptio et venditio, ita opus et merces pro communi utilitate contrahentium sunt, dum scilicet unus indiget re vel opera alterius et e converso. Quod autem est pro communi utilitate,

Price of Labour

We are, accordingly, to determine the just price of labour as we should the price of any other commodity that is bought and sold—those especially whereby working people make their living.

This is confirmed by what we read almost immediately,

non debet esse magis in gravamen unius quam alterius, et ideo debet secundum aequalitatem rei, quae et proprietas iustitiae commutativae, inter dominum et operarium contractus iustitiae institui. (Cfr. 2. 2. q. 57, a. 1.)

“Quod si quaeratur criterium, quo statui debeat illa aequalitas rei inter opus manuale operarii et mercedem dandam a domino, respondemus: criterium illud in Encyclica dicitur petendum esse ex operarii fine immediato, qui imponit ei naturale officium seu necessitatem laborandi, ex victu nempe et vestitu ad convenienter vitam sustentandam et ad quem primo et principaliter labor manualis ordinatur. (Ib. q. 187, a. 3.) Quoties igitur opus tale sit, quod operarius per ipsum satisfaciatur praedicto suo officio naturali consequendi finem immediatum laboris sui, ac merces ad consequendum hunc finem, victum nempe ac vestitum convenientem, impar sit; per se loquendo et considerata rerum natura, habetur obiectiva inaequalitas inter opus et mercedem, et ideo laesio iustitiae commutativae.

“Duo tamen hac in re sunt generatim consideranda. Alterum est quod sicut pretium rerum venalium non est punctualiter determinatum a lege naturae, sed magis in quadam communi aestimatione consistit, ita et de mercede generatim est dicendum. Unde firma manente exigentia ex ratione finis, victus nempe ac vestitus convenientis, mercedi operarii ex communi aestimatione fit, aut saltem fieri potest, salva iustitia, modica additio vel minutio, sicut in mercium pretio modica additio vel diminutio ex publica aestimatione, non videtur tollere aequalitatem iustitiae (2. 2. q. 77, a. 1, ad 1).—Alterum est quod in assignanda aequalitate iustitiae inter mercedem et opus manuale, non solum attenditur a communi aestimatione tum qualitas tum quantitas operis, sed etiam tempus durationis eius, item pretia rerum quae emi ab operario debent, ad convenientem victum et vestitum; quae pretia non sunt ubique eadem.

“Quod si denique sine laesa iustitia erga operarium, iuxta dicta, multum iuvatur herus ex opere eius, potest hic quidem, propria sponte ac laudabiliter, aliquid operario supererogare, sed hoc pertinet ad eius honestatem quin teneatur ex iustitia. Valent scilicet in re nostra principia quae dantur pro iusta emptione et venditione” (Ibid. in corp. art.).

Price of Labour

in reply to a second question:—"From the very fact that,—according to what has been set forth in reply to Question I.,—equality of wage and work is observed, the demands of commutative justice are fully satisfied."¹ If the contract between master and man is fair, as a contract of sale, there is no further, antecedent ground of claim, in strict justice.

From all of which I conclude that, in the opinion of the Consultor, the duty of supporting life affects the justice of a wage by affecting the common estimation whereby the just price of labour, as of every other commodity, is determined. Which is what I suggested when I wrote that "desire of frugal comfort is one of the most potent factors that go to make what is called the common estimation, which is recognised as one of the conditions of a just price." And again:—"Perhaps what is meant [in the Encyclical] is that antecedently to the bargain there are natural conditions which secure that the common estimate of the value of labour shall be such as to make its just price sufficient to provide the seller with frugal comfort, when this does not interfere with the buyer's reasonable profits or proprietorial rights."

At the least, from the fact that these questions were proposed by Cardinal Goossens, on the very passage which the Most Rev. Archbishop finds so plain; and that they called forth such an elaborate explanation; it would seem as if the teaching in that passage were not so very clear as to preclude a suggestion such as I ventured to offer.

NOTE.—I may, perhaps, be excused for referring in this connection, to what is but a small matter. In my article in *The Irish Theological Quarterly* I said that "the writer of the Encyclical *Rerum Novarum* seems to imply that the basis of the right [to a living wage] is some claim which the workman has to frugal comfort, on condition of work, antecedently to

¹ "Ex hoc ipso quod, iuxta declarata in responsione ad primum dubium, aequalitas mercedis et operis observatur, plene satisfiit exigentiis iustitiae commutativae."

Price of Labour

his bargain with his employer." His Grace the Archbishop begins his reply by stating, in the most formal manner, that "the writer of the Encyclical is Leo XIII"; and that he wrote the document in his official capacity, with power and intent to bind us all.

This looked a strong opening. But was Leo XIII the writer of the Encyclical? It is his, of course, as the speech read at the opening of parliament is the king's speech; which, however, is not the king's in the sense that it was written by the king. Papal encyclicals have been written by secretaries or others, and then signed by the Pope; so that one may discern here and there a mentality different from that of the Pontiff. It was such a writer and such a mentality I had in view; without reason, I admit, if Leo XIII himself composed the Encyclical. But did he?

III

Enough of personal matters; which, I hope, may not be merely personal. Till further explanation or official reply is given, let us take it that employes sell their labour, just as masters sell what they produce or make—boots or other wares; and that the just measure of price, in either case, is the common estimation of the value of what they sell.

Not, be it noted, what buyers, as a rule, are willing to give for either commodity; even though sellers, as a rule, should be willing to part with it for the same. Both parties must deem the price fair; so that if buyers are compelled to pay more, or sellers to take less, the contract is at least inequitable, and may be strictly unjust.

There is, accordingly, something anterior to common estimation, on which that estimation is based; to wit, the value of what is bought and sold; or the relation of equivalence which it bears, objectively, to the price. For estimation must be an estimate of something; and common estimation of the value of anything means that people commonly deem it equivalent to something else.

Further, it will be found that this common estimate of the equivalence between things and prices, depends, as a rule, on supply and demand. Silver is worth less

Price of Labour

than gold, partly, I understand, because gold is more useful and on that account, more in demand; but mainly, I fancy, because the supply of silver is more plentiful. The value of corn goes up or down as harvests are bad or good. Carriages—broughams—were cheap, some time ago; because, though the supply continued there was little demand for them: when the supply is exhausted or nearly so, they may be worth as much as formerly—if not even more. The general rule is that the value of anything, in common estimation, varies directly as the demand and inversely as the supply.

The rule, however, supposes, that supply and demand are not manipulated, unreasonably. For it is a tradition in our schools that whereas, if, owing to bad harvests, the supply of food should be short, high prices—even famine prices—may without injustice be charged by farmers, as well as by any merchant who may have laid in a stock; it is not right to make what is called a “corner” in food-stuffs, and then sell at famine prices; even though people may be glad, in a sense, to buy at the figure.¹ The reason, I take it, is, that, though people are willing to buy at famine prices rather

¹ “ Si unus vel plures coemant omnes aut fere omnes merces cuiusdam generis, ut raritatem inducant et sic pro libitu vendant, certum eos graviter peccare. . . Si monopolae vendant . . ultra summum pretium quod existeret secluso monopolio, eos peccare non tantum contra charitatem et contra bonum publicum, sed etiam contra iustitiam, est sententia communis, teste S. Liguori, n. 816. . . Si autem vendant merces tantum summo pretio maior est difficultas. Eos peccare graviter contra iustitiam affirmat sententia communis, inquit De Lugo, n. 177. . . Alii tamen multi, ut Molina, Lessius, quos sequitur De Lugo, et quibus adhaeret S. Liguori, docent eos non peccare contra iustitiam. Imo dicunt eos non peccare contra charitatem, si notabile damnum reipublicae non inferant; aut saltem si unus sit qui merces congregaverit, et alios non inducat ad carius vendendum, eum excusant.”—Carrière, *De Contractibus*, n. 710. From what he says in continuation it would seem as if Carrière himself thought that in the latter case there would be a sin against the public weal and against charity. It would be, in my opinion, against equity—unfair, though not strictly unjust.

Price of Labour

than starve, they do not think the food worth the money when it is really plentiful ; whereas, if, owing to failure of the crops, there were little to be had, they would think what they need worth a famine price.

So, too, as regards demand ; when it dwindles naturally,—as it did for coaches on the advent of the railway ; for broughams on the introduction of the motor-car,—value goes down in public estimation, and with it the fair price. Whereas, if the demand is limited artificially and unreasonably,—as, for instance, by a combination among buyers not to bid so much as they deem an article worth,—the price so determined would not be fair, even though sellers should be glad to get it in the end.

NOTE.—“ *Quod diximus de vendentibus applicari debet ementibus qui convenirent de non emendo nisi pretio infimo.*”—Carrière, *ibid.* n. 704.

IV

It may be well to note, historically, how the foregoing law, of reasonable or natural supply and demand, has worked out in regard to certain products of labour, and in regard to labour itself.

The steam-engine revolutionised many trades and callings ; as, since it was introduced, many things have been and are made or done by machinery which were previously done by hand, or, rather, by simpler and less powerful machines. The whole carrying trade has changed ; with the result that what was required for the old method of transit,—material and personnel,—is less in demand and therefore cheaper. Had Tony Weller lived, he would have found less call for his services, and would have had lower wages ; and though one might pity him, one could not regard him as injured or harshly treated in any way. He and his coach went down, naturally and reasonably, before better vehicles worked by men of higher training and efficiency.

Price of Labour

The old spinning-wheel and hand-loom had to give place to the jenny and the power-loom ; in which there have been successive improvements, each sure to scrap its predecessor, as well as to deprive of a living any workers who might be either unwilling or unable to adopt the latest and best methods. A great part of the Irish textile trade failed in this way ; with consequent impoverishment of the old class of masters, workers, and their dependants ; and without their having any reasonable complaint to make, whether of strict injustice or even of inequity.

So of the old-fashioned flour mills, whose ruins still remain by so many Irish rivers. Their owners would not, or could not, adopt the more efficient roller system ; and they were, in many cases, too far from a railway ; with the result that they were undersold by their competitors, and owners and employés alike lost their way of living.

So it was with the old boot-makers, joiners, coopers, lace-makers, leather manufacturers, and others : all left practically idle, by machines or processes which did nearly as well,—and sometimes better, but always cheaper,—what the old-style workers had been wont to do. Masters and journeymen alike went down without suffering any injury or unfairness. There may have been, at first, attempts at sabotage, here and there—when the machines were interfered with or injured ; but reasonable people had little sympathy with such outrages ; showing clearly their belief that old-fashioned workers had no true grievance, even when impoverished by the machine. There was, I understand, in Dublin, till lately,—perhaps it still goes on,—a combination of owners and drivers of horse-drawn cars or cabs, to resist the taxi ; as if it were unreasonable to introduce that machine. It will come in as surely, and as reasonably, as did the tram-car or the train.

In this connection the Most Rev. Dr. Harty writes ¹

¹ In the article already quoted, p. 169.

Price of Labour

that though "the workman who sells directly the result of his labour has a right to such a price for his wares as will give him a decent livelihood whenever the workers who sell merely their labour have a similar right"; the doctrine "is limited by certain economic factors which may accidentally take away that right from the man who manufactures goods which he himself markets. For instance, at times combined production is more advantageous than individual enterprise; and in such cases the reasonable cost of production forms the standard according to which common estimation calculates what is a fair price. As a consequence the individual trader may suffer, and his profits may turn out to be less than sufficient to provide frugal comfort."

All quite reasonable; but why limit it to "the workman who sells directly the result of his labour"? Why not hold the same of journeymen who stick, whether through incapacity or unwillingness, to some less advantageous method of production—the hand-loom, for instance? If the journeyman weaver is in duty bound "reasonably to support life"; and if it should be on that account precisely that his "labour has for its minimum price as much of the world's goods as will preserve life in a way that is worthy of the dignity of human personality"; surely, master weavers also are human, with lives which it is their duty to support, in a style that befits personality. Why should they alone go down before any more advantageous method of production?

Historically, men and masters went down together; all of them, that is, who were unable or unwilling to adopt any new and more advantageous method of production that was introduced; and, however we may pity them, we do not regard them,—man or master,—as having been harshly or unjustly treated, in the struggle wherein they proved unfit.

Price of Labour

V

It may be profitable to consider now what happened in Ireland under the old system of land tenure,—what so many of us justified on the part of the tenants and their supporters. The farmers lived by renting land and selling the result of their labour thereon—farm-produce of all kinds. They had two sets of competitors : other producers—those especially who lived oversea, and who took lower prices for the same kind of farm-produce ; and those who, at home, offered a higher rent for the land. As a result, our farmers could not make a decent living, however regularly and skilfully they worked.

A remedy could have been provided by restraining either form of competition : that of the market for farm-produce, by putting a duty on imports of that kind ; and that of the demand for land, by fixing a fair rent. What is of importance to note is that a remedy was provided—that we did not allow the tenant-farmers to go down, as we allowed those who lived by the old hand-loom. We repressed the home competition, for the farms ; first by private authority—boycotting land-grabbers ; and ultimately by legal procedure—fixing a fair rent. It was as if we took action to secure the old-style weavers cheap yarn, that so they might be able to compete successfully with the power-loom.

Whereupon the question arises : if those who used the power-loom did not act inequitably when they bought yarn at a price that old-style weavers could not afford ; and if they could not be restrained without injustice from so doing ; how was it unfair on the part of land-grabbers to offer for farms a rent that others could not pay and live ? How was the competition rent,—the price, that is, of the material on which farmers work,—unfair ; as long at least as those who paid it—shopkeepers or neighbouring farmers—could do so and still live in comfort ?

Price of Labour

That there is a satisfactory answer to this question I have little doubt ; but what it may be I know not, unless it should be based on this : that, whereas it was in the interest of the country,—and therefore reasonable,—that the hand-loom and those who used it should give way to those who had a better machine and could produce more ; it was no less reasonable, as being for the good of the country, that the class of tenant-farmers should be maintained ; as long, that is, as they worked steadily and with normal skill. Maintenance, however, supposes a decent livelihood, according to one's state ; and this our tenant-farmers could not have, even though they worked with normal skill, as long as they were exposed to the rent competition whereby they were being impoverished. It would have availed them little to suppress the competition of the foreign producer, by putting a duty on farm-produce coming from oversea, unless the home competition, for farms, was restrained ; as, in the absence of this restraint, competitive rents would have gone up with the enhanced prices resulting from the duty ; and landlords, not tenants, would have got the benefit. Hence the only way to save the farmer class from impoverishment, and so prevent injury to the State, was to fix a fair rent. This implies that, before such rents were fixed, it was unreasonable, and inequitable, to demand a rack-rent ;—that a rack-rent was unfair, even though it could be had from others.

It would have been different if the farmers were being ousted by men or methods which it was the interest of the State to encourage ; as, for instance, by those who cultivated and manured the land scientifically, or kept the best and most suitable breeds of cattle, or reduced expenses by using the best machinery. If, taking advantage of any such new method, a farmer of the class which it was the interest of the State to maintain could pay a higher rent and still live in comfort, I fail to see why such rent should be deemed inequitable.

Price of Labour

From all of which I draw the further conclusion that the price of commodities is not based on public estimation of value, nor fair, when it is determined by unreasonable competition, such as tends to deprive of a suitable living a class of citizens whom it is the interest of the State to maintain, working as they have worked hitherto. And, conversely, competition, which it is the interest of the State to encourage, determines the public estimation of the fair value of commodities, and consequently their fair price, even though, as a result, some of the citizens may no longer be able to live in comfort on their work, as they have been living and working.

In its second form, the principle holds, even though those who are being ousted by competition are not in position to adopt the new and more efficient methods; as, for instance, when the old-fashioned spinners, weavers, or boot-makers were thrown idle by the new machines. It holds alike of journeymen and masters; none of whom have a grievance if deprived of a living by a new method which it is the interest of the State to adopt.

VI

In this connection Father Slater, S.J., I notice,¹ lays it down that "according to the principles of the classical theologians, who formulated the rule that monopoly prices must not be higher than would prevail under open competition, that rule must be interpreted to mean fair and reasonable competition prices." Whereby it is implied, I take it, that a ruinous price due to competition is not equitable unless the competition is fair and reasonable. The real question, therefore, is whether in any set of circumstances competition is fair. It was not fair of those who offered

¹ *The Irish Theological Quarterly*, July, 1906, p. 308.

Price of Labour

rack-rents for Irish farms ; whereas it was fair of the owners of spinning-jennies, power-looms, and such, to offer their products at prices on which the old-style spinners and weavers could not live. Why ? Not because these old-style workers were not deprived of a living wage ; for they were deprived, even more effectually than Irish farmers were deprived of a living by competitive rents. It must be, then, as already indicated, that competition is unfair when it tends to deprive of a suitable living a class of citizens whom it is the interest of the State to maintain, working as they have been working hitherto.

The Most Rev. Dr. Harty also, as we have seen, admits that one who may have been living in frugal comfort by the sale of articles which he made, may be deprived of that living by “ certain economic factors ” ; as, for instance, when the same articles are produced “ more advantageously ” by others ; with the result that common estimation, not unreasonably, rates them as worth less than before. For “ the reasonable cost of production forms the standard according to which common estimation calculates what is a fair price.”

Here again the epithet “ reasonable ” is applied to something which antecedes the common estimate whereby prices are fixed. It—the estimate—is based, among other things, on production or supply ; but if the mode of production is unreasonable, the price which it determines will not be fair. And while production of an abundant supply by machinery is reasonable, the same may not hold of an equal or greater supply produced, let us say, by sweating ; which, on that account, is, or may be, unfair, not only to the sweated workers, but to those whom they drive out of the market and so deprive of a living. It is not the interest of the community, but the contrary, that tailors, dress-makers, and others, whether they sell what they make or work for hire, should be deprived of a living by sweated labour ; at least when sweating is not itself a necessity.

Price of Labour

VII

Let us test our conclusions further by applying them to those, quite common, cases in which prices are lowered by foreign competition. It happens in many ways.

1. Farm-produce—wheat and beef especially—depreciated here before the war, owing to importations from countries where there are vast areas of wheat-growing land and pasture; where, in consequence, there is an abundant supply of wheat and beef, produced by folk who made a good living, though selling in our markets at a comparatively cheap rate. In view of the fact that they lived in comfort, common estimation is justified in regarding the price they get as just and fair; even though our home farmers could not live by selling at the same figure.

If a duty were put on these imports, the effect would be to raise the price on home consumers. English Tariff Reformers, no doubt, maintained at one time that such a duty would be paid in full by the foreign producer; but this position, I believe, is now abandoned. We may take it that the effect of putting a duty on foreign wheat would be to raise the price of all wheat,—even the home-grown article,—in our own markets. Whereupon the question arises whether such an increased price is fair; seeing that, as has been said, if there were no duty, common estimation would rightly fix the price at what would give the foreign producer a living: that is, at a sum less, by the amount of the duty, than wheat would cost if our markets were protected.

To this question Protectionists and Free Traders reply differently; consistently with their principles. Free Traders deem it the prevalent interest of the country to have food as cheap as it can be produced; and hence regard any increase of price that would result from a duty on wheat as being opposed to the public

Price of Labour

good, and therefore unreasonable. They, accordingly, estimate the fair value of wheat at so much precisely as enables the producer, home or foreign, to live by growing it. Which means that they regard what the foreign producer receives, plus the cost of carriage and distribution, as the most that can in fairness be charged the home consumer ; and that an increase resulting from a duty would be unfair.

Tariff Reformers, on the contrary, deem it more important for the country to enable our own farmers to live by growing wheat, than to have wheat cheap for consumers. Not that it is not important to have wheat cheap ; or that our farmers should get a higher price than they need to enable them to live and thrive. So important, however, are these, as a class, that it is the interest of the State to put such a duty on wheat and other farm-produce as will support them against foreign competitors ; and, this being so, any such resulting increased price will be adjudged in the common estimation of reasonable men to be just and equitable.

You should be a Free Trader or a Protectionist according as you take one or other of these views as to the value of wheat-growers to the State : and the same, in substance, applies to other commodities. Should the success of the foreigner, as against our home farmers, be due to the fact that his methods are more efficient than theirs, all, I fancy, would admit that the remedy is to be found in adopting the newest and best methods ; that is, if the home producer can ; and, consequently, that an increased price, resulting from a duty imposed to protect those who will maintain old and inefficient methods, is not fair and reasonable in the common estimation. So, too, if the old rents charged for Irish land were such as the farmers could pay and yet live and thrive, provided they adopted methods which were reasonably open to them, the rents in question would have been equitable.

Price of Labour

2. The same holds of manufactured goods. If foreign makers can undersell ours owing to some natural advantage they have abroad ; as, for instance, if raw material,—iron, coal, copper, or leather,—should be more abundant and cheaper there ; it will be for our rulers to consider whether the home manufacture of any article is so important for the national welfare as to counterbalance an increase of price to consumers resulting from the imposition of a protecting duty. Should it be so, the increased price will be fair ; but not otherwise.

But if the foreigner is able to undersell owing to the fact that his methods of production are better than those of his rivals here ; a duty on what he sends would tend only to protect incompetence—which is never in the national interest. Consequently, whatever increase of price would result from a duty in these circumstances would be unfair ; provided, of course, it was open to home manufacturers to adopt the new methods. If American machinery and German co-ordination are as superior as is often said, our manufacturers and traders should adopt them ; and if they refuse, and so have to charge a price greater than that on which the foreigner can live and thrive, such increased price would not be the fair value of the article. Whether foreign machinery and methods are so much better than the English, it is not for a theologian to say ; though no one can be blind to the fact that these superior manufacturers and merchants, American and German, have to put a duty on goods coming into their own country, lest they should be undersold at home by the so much less efficient Englishman.

3. The advantage of cheap labour is to be rated, I fancy, with an abundant supply of raw material ; as long, that is, as the labourer is not sweated, but gets what enables him to live in decent comfort, according to the ideas of his time and country. Wages which are fair for a Chinaman, in China, would be unfair for

Price of Labour

an American in California ; as the common estimate of what is requisite for decent living is so different in both places. If our manufacturers are undersold by competitors who do not pay fair wages,—such, that is, as are fair for the place and time,—the low prices these charge are not fair, and their competition should be restrained. But if the wages they pay, though lower than are paid elsewhere, are fair for their own place, that is a kind of natural advantage they have, and is to be put on a par with an abundant and cheap supply of raw material.

4. Sometimes, it is said, the foreigner undersells our home manufacturers by charging here a price which is less than it takes to produce the article and live. If he does live and thrive,—as he does,—it is because, as a result of the tariff whereby he is protected in his own market, he gets there a much higher price. It is not for a theologian to say whether this is so or not : very probably it is exaggerated. But if it should be so, and in so far as it is, I should deem it unfair ; as a reasonable public estimation, I think, would not regard the lower price charged here as the fair value of the article. If, therefore, as a result of such competition, home producers have to sell at this unreasonably low rate, it would not be fair to them ; and any tariff that would result in raising the price to what would enable them to live, would, in my opinion, be fair to consumers. That is, again, on the supposition that the trade in question is one which it is the interest of the State to preserve, among its own citizens, and at the price in question.

It has been contended, I know, that it is always to the interest of a nation to receive from abroad goods at less than their value. As, no doubt, is true : it is to the interest of anyone to get a thing free of cost, in whole or in part. But, surely, it is a loss to the State to have any of its industries go down. It may be, possibly, that what it receives is so great as to

Price of Labour

make up for the loss : that, for instance, what England used to receive from foreign bounties on sugar, more than compensated for what her own sugar-producing colonies lost by having to sell at a price that did not allow them to live and thrive. In that case it might have been her interest to let these colonies decline ; though a statesman should bear in mind, first, that it is his duty to safeguard all citizens from injustice ; and, secondly, that when the foreigner has got control of the market, he can drop the bounty and raise the price of sugar.

Through all these ups and downs the hired labourer shares the lot of his master, whether it is just or unjust. When it does not pay farmers to grow wheat, and there is nothing else to grow with profit, they cannot give labourers as much as will keep them in frugal comfort ; so labourer and farmer go down together, both alike being bound to support life. If, owing to American competition, English boot-manufacturers cannot keep their factories going, whether the American victory is due to improved methods or to other, less commendable, influences, not unknown to the managers of trusts, the men employed in the English workshops go down with their masters ; who cannot be expected to pay a full living wage when they are not making a living for themselves.

VIII

It remains to say a word as to the competition of labourers with one another : whether by underbidding competitors in the labour market,—working for what is not a living wage,—they do not act unjustly, or at least inequitably, towards their fellow-workers, who are compelled to accept the same insufficient remuneration. The question hardly arises with regard to Trade Unionists, who must demand the regulation wage ; which may be taken as sufficient—as it would be, were

Price of Labour

it not for the competition of non-union labour. Neither does it arise in the case of those who work for masters who cannot afford to pay a living wage ; as whatever injustice is then done,—to them and their employés,—is due to other competing employers, who do not demand a fair price for the wares they sell.

What, however, of those who, in London or Manchester, work for sweaters and thereby co-operate in lowering unduly the wages or returns of those who are employed at the same business, there and elsewhere ? Can they avail of the plea that they have no other way to live ?

The Irish people settled a similar question for themselves, in the days of the Land League ; when it was not admitted, in justification of land grabbing at rack-rents, that one had no other way of living. Doctors also, I understand, do not recognise poverty, or inability to get on otherwise, as reason sufficient to justify one in taking less than whatever may be the recognised fee in any district. Neither do trade unions ; whose members must all insist on the regulation wage.

Nor is it different with manufacturers and traders ; as I have reason to know. For, a few years ago, having occasion to purchase a bicycle, an agent offered me a certain machine at 15 per cent. off the catalogue price. A rival agent, to whom I told this, reported to the manufacturers ; who replied at once that they would withdraw the commission of any agent of theirs who would give a discount greater than 10 per cent. It was not stress of poverty that drove the man to make me the offer ; but it is plain that, even though it were,—that is, if he found it hard to live without taking orders at small profits,—the manufacturers would not allow that as reason for accepting what they deemed an inadequate return for his services. They and the rival agent regarded the offer as inequitable towards the trade.

I have been informed, moreover, that in nearly every branch of the manufacturing and distributing trades

Price of Labour

there is an association, to which it is almost necessary for any trader to belong ; and that it is a condition of membership that one must observe certain rules that have been drawn up with a view to repressing undue competition. This means that grabbers of profits are boycotted with almost as much rigour as were land-grabbers at the time of the land agitation in Ireland.

In view of all this, how can we say that distress justifies one in working for unfair wages, if the result should be to reduce the wages of others below the standard at which they can live in frugal comfort ? Neither, as far as I can see, does it make any matter whether one's own employer can or cannot afford to pay a living wage. If he cannot, he is not unfair to his employés ; but only to those who, were it not for his competition, could make a living wage or profit elsewhere. If he can pay a living wage, he is unfair to both. It is, no doubt, hard not to be able to live, even in poverty ; but one must not interfere with the rights or the living of others. Should one's need be extreme, there is the well-known special provision.

The rule must not be understood to hold of those who already belong to a declining trade, and who contribute to its more rapid failure by competing, as they must, with one another. When, for instance, those who made boots by hand were being impoverished by the machine, by competing for the remnant of the trade they still further impoverished one another. This was unavoidable, unless some of them gave up, and there was no reason why one should do so before another. It was so with farmers also,—when, for instance, wheat-growing ceased to pay. It holds of the traders and professional men of any city, when, for any reason, the population is declining and there is no longer the same amount of custom or clientele. All these are like people in an imperfectly provisioned boat at sea ; where, though all are likely to starve at length,

Price of Labour

each has a right to his share of what food there is ; not like those who may be in the water, or in another unprovisioned boat ; who can be treated as unjust aggressors if they attempt to take from the others any of their means of living.

IX

Perhaps it may be well to say a word as to the fair wage of those who are employed by firms such as J. & P. Coats & Co., or Arthur Guinness & Son, whose profits are enormous—sufficient to enable them to pay very large dividends to the original stock-holders. Some think that this excess of profit should go to the employés of these companies, who are well paid, as compared with other workmen. Others would diminish the profits by charging less to the public ; thereby implying that the present prices are unjust.

Both are wrong, in my humble opinion. The fact that the firm of Guinness could afford to pay higher wages, if put to it, or charge less for a barrel of stout, is no proof that they are bound in justice to do so, as long as they pay wages and sell porter at the common estimate formed without undue pressure on their part. A wealthy man,—gentleman, mine-owner, manufacturer, farmer,—is not bound to give for what he buys a higher price than his less wealthy neighbours ; nor take for what he sells a lower price than they need ; even though he could still live and thrive. He has a right to the market price, fairly estimated, without undue pressure. And so, as long as the employés of a wealthy firm are paid as well as their neighbours, they suffer in no way, even though the profits of the concern should be very great.

They do not suffer, in my opinion, even though the general standard of wages in the district should be so low as not to afford a life of frugal comfort ; provided always this is not due to pressure exerted by the firm

Price of Labour

in question, alone or in combination with others. So, when farm produce is so cheap as not to allow the producer a fair living, one may buy meat, butter, eggs, and such things at the market price, even though one might easily pay more. The same holds of boots and hats. In this respect, as far as I can see, labour sells just like any other commodity.

APPENDIX IV

ABOUT SOCIALISM

EVEN though there should be no socialist club in your parish, no socialistic literature circulating among your people, and no immediate danger of either, you may take an interest in the tenets of a party that has, to a large extent, imposed its will on France, threatens to do the same in Russia, and even in Belgium and Germany, and is pretty sure to give trouble in England and the United States, should trade decrease, employment fail, or wages be diminished. Nor is Ireland beyond the reach of its possible or actual influence—at least, if we may believe certain publicists, who have been wont to brand as socialistic tenant-leagues, trade unions, and kindred associations; not to mention projects for the nationalisation of the land, the readjustment of taxation, the municipalisation of lighting-plant, and similar measures. Moreover, a Tory statesman said truly some time ago that we are all socialists now; and naturally we may be supposed to feel a personal interest in knowing what it is we are and how far our politico-religious opinions differ from those of our fathers.

Such curiosity may be gratified by reading Father Cathrein's book,¹ of which an excellent translation into English, made by a brother Jesuit, and adapted to American conditions, was published last year. There one may find the history of the socialistic movement, the principles of the different leaders, official programmes

¹ *Socialism: Its Theoretical Basis and Practical Application.*
By Victor Cathrein.

Socialism

and statistics, besides a careful examination of the tenets of the party under the light of political economy and Christian ethics.

Since, however, owing to their training, priests, as a rule, find it easier to get a clear view of matters of this kind when the discussion is conducted in the language of moral theology ; I have thought that Father Cathrein's work might become more intelligible and interesting if I could pick out the main question in dispute, and formulate it, together with the reasons on both sides, in the terms with which the ordinary clerical reader is most familiar.

The treatise *De Jure et Justitia*, as it seems to me, is constructed on two main principles:—(1) that *res nullius sunt primi occupantis* ; which means that occupation—the term being understood in its original Latin meaning—and not labour only, gives a title to property ; and (2) that *res fructificat domino* ; which means that when one has appropriated a thing by occupation, one acquires automatically a right to whatever it produces or occupies.

As against this it is the tendency of socialism to assert (1) that labour only, to the exclusion of occupation, gives a right to property ; and (2) that the amount of property which can be acquired by labour is to be measured exactly by the amelioration effected in some natural product by one's own personal efforts, to the exclusion of what may be effected by any natural instrument which is employed in the operation. In other words, the tendency of socialism is to give each one a right to the exact product of his own labour and nothing more.

It may surprise you at first to find so much stress laid on occupation ; to the neglect, as you may think, of other titles that you have been wont to read of—finding, prescription, accession in its various forms, and contract. On consideration, however, you will agree, I think, that all these are forms of occupation

Socialism

or, at least, based on that title. It is plain, for instance, that it is only by taking possession of what one finds—that is, by occupying it—one can make it one's own; and it is no less plain that prescription cannot avail to transfer property, unless in so far as the goods transferred may have been made subject to the dominion of the State by occupation of some kind. The same holds of contracts; one cannot transfer dominion except of what is one's own, acquired by occupation either by oneself or some predecessor in title; and even accession is occupation, not, it is true, by a personal act, but by the grasp, as it were, of one's property—cattle, land, or other possession. Apart, therefore, from one's person, reputation, virtue, and internal belongings, ownership in external goods which we do not produce is acquired by occupation.

The first principle in dispute between the socialists and ourselves gives rise to little difficulty; not because they and we do not differ as to the truth of the principle; but because, apart from what may serve as an instrument of production or transport—with which the second principle deals—*res nullius* are now inconsiderable. Society would never be convulsed over the appropriation of the few fruits, land-animals, or even fishes, that may be turned to immediate use and remain still unappropriated.

The magnitude of the interests involved is revealed in dealing with the second principle, where there is question of proprietary rights in the instruments of production and transport, which are very nearly identical with what economists call capital. For a little reflection suffices to convince one that instruments of production and transport are but traps to catch and utilise the energies stored up in nature; and that the betterment effected by agriculture, factories, railways, steamships, and such things, is due in the main to natural forces which have been caught by our cleverness and made to work our will. This is plain in the

Socialism

case of pasture land, which produces beef or mutton almost without any labour on the herdsman's part ; at least the produce is out of all proportion to the energy which he expends, and increases or diminishes with the fertility of the soil, the expenditure of human energy remaining constant. The same applies to agricultural produce, and still more plainly to the betterment effected by coal, electricity, wind, and water currents, and solar heat. So that the products of fields and factories are almost entirely due to the action of agents unproduced by us, which we have caught and harnessed to our machines. Nay, even machines depend on the forces of Nature, not on their workers, for whatever efficiency they may possess ; as is plain from this, that, were it not for cohesion, the most powerful steam-engine would crumble into useless dust.

Socialists deny that it is within the right of individuals to appropriate goods which nature has provided for the common weal.

See how the principle of appropriation works out to the detriment of labourers who do not own the instruments or machines wherewith they work. As cities grow in wealth and population, ground-rents become more and more valuable ; the entire increment, however, is grabbed automatically, as it were, for the landlord, by his instrument, the land. Similarly, no matter how great may be the profit accruing from a machine worked by a hired labourer, the machinist receives but a wage barely sufficient to support life, whilst the machine may appropriate for its owner what he can hardly squander in gifts and luxuries. Hence surplus value ; of the misappropriation of which Marx complains. Whereas the product of a machine is due to the labourer by whom it is worked, the inventor or owner, and the machine itself—that is, the natural forces which it catches and applies ; according to the system of economics that prevails, the labourer must be content with a wage which may be the

Socialism

equivalent of but a small fraction of the product ; whilst the inventor, or his representative the owner, pockets the remainder, even though it be ten or a hundred times what he could reasonably expect in the open market as interest on his capital or as wages for his services. By far the greater part of the product, as we have seen, is due to the action of natural forces ; yet it is almost entirely appropriated by one of the human co-operators to the exclusion of his fellow. No wonder, socialists assert, that inventors and those who purchase their interests, should grow rich on this surplus value and be anxious to acquire still more of those energy-traps which they find so profitable.

It is said, I know, that highly skilled labour, such as that of a Watt or an Edison, tells more for humanity than the work of an unskilled mechanic or engine-man, and therefore gives a right to a larger share of the profits realised. I do not know that this is denied by socialists. What they do insist on—or at least what they may be conceived to insist on—is, that the Watts and Edisons may get more credit for their inventions than they deserve. Even inventors are the products of their age. If Watt and Edison had lived in the time of Homer, would they have been able to produce a steam-engine or an electric-lamp? May not Archimedes, or Volta, or Michael Angelo, have had a more inventive genius than either? May they not actually have done more for practical mechanics, since it is first steps that count most? And yet the steam-engine did not come till the time was ripe for its appearance.

The truth seems to be that just as machines are moved to work by energies which they do not originate, so the most inventive genius draws liberally on stores that had been already accumulated. A small boy, it has been said, standing on a giant's shoulder, can see farther than the giant ; and when the last straw breaks the camel's back, it is not to that straw alone the whole

Socialism

effect is due. How many philosophers must have contributed to the formation of the idea that the raising of the lid of a kettle is due to the force of the steam issuing from the boiling water? or to the much more complex idea of the machine whereby that energy is caught and made obedient to our behests? How many busy brains had to think and plan to provide the notion of the telephone, as well as of the mechanical appliances without which the idea could not be expressed in actuality? Is it not Cardinal Newman who writes somewhere of the great unknown benefactors of mankind—he, for instance, who first taught the use of corn? That long-forgotten man of genius left the fruit of his labour behind to be the inheritance of the race; and now, socialists contend, it is in great part appropriated by the inventor of the latest improvement on the plough or the reaping-hook, as if it were to his puny brains alone we owed the full supply of natural forces which are caught and utilised by his machine.

That this line of argument appeals to common sense is proved by the fact that inventors are allowed but a limited monopoly in their inventions; that royalties and rents have been and are charged on landed estate and mines, to provide funds for the public service; and that, especially in recent years, profits and savings have been subjected to taxation on a graduated scale. The increase in death duties, we know, has been denounced as socialistic; and in France it is the socialists alone, practically, who approve of a progressive income-tax. But while Catholics are agreed that it is possible to pile on taxes of this kind till they amount to confiscation, most sensible men in these islands admit, I fancy, that a properly regulated income-tax is not unreasonable, and that Sir William Harcourt made a move in the right direction when he re-arranged the death-duties. In the United States also there is a feeling by no means confined to socialists, that

Socialism

something will have to be done eventually to check the rapacity of the trusts and multi-millionaires.

There is, moreover, I should say, a growing tendency to reserve from possibility of appropriation to private uses such public conveniences as telegraphs, railways, tramways, and the supply of light and water to towns ; nor is it socialists only who have advocated some form of nationalisation or municipalisation of the land. And though it would be admitted that the time was not ripe for measures of this kind when the foundations of great private properties were laid in the past ; it is felt, I think, that when in future it is possible to acquire such advantages for the public, the opportunity should be embraced, at least in many cases.

As a set-off against these arguments, it should be borne in mind that it is not to iron or other dead machines only the energies of nature are harnessed in the work of production ; they operate through the machinist no less than through the machine. Where does the labourer get the energy which he expends in work ? Does he, too, not catch and occupy it in the food he eats ; appropriating it as the capitalist's machine does, out of the common store provided by great Nature ? If there were no gravitation or chemical affinity, how much betterment could man effect ? The strongest and cleverest would fly off at once through space as the finest of gas. Even the labourer, therefore, is a trap whereby the energies of nature are caught and appropriated ; hence the socialistic principle—that not occupation but labour only gives a title to property—is fraught with danger to the workingman ; unless it be hedged round with limitations, such, for instance, as that the stores provided by nature may be appropriated within reason. But then you will have to prove that in the present stage of the evolution of humanity, when selfish passions are still rife, it is not reasonable to appropriate these stores except in so far as they may be made to work through human faculties.

Socialism

This brings me to what I regard as the heart of the question in dispute between the socialists and ourselves. Father Cathrein rightly states that a certain "concept of history is the fundamental dogma of Marxian socialism"; and that Marx himself and his collaborator, Engels, deemed the concept materialistic. Now, though it is true that, like Marx, the leading socialists are materialists, I cannot see that the concept of history on which their economic theories are based is of necessity materialistic. It is evolutionary to an extreme degree; but theists may believe in a very thorough process of evolution.

As I understand the evolutionary conception of history, it implies that if we could trace man's doings backwards to the first appearance of the species, the record would be one of interrupted progress from a savage or even bestial state; and that the progress still continues and will not be permanently arrested until the socialistic ideal has been fully realised.

Does this imply that the race was ripe for social democracy from the beginning, so that the socialistic ideal, if realised at any time in the long past, would have made for happiness? Are we ripe even now—prepared, that is, to live up to the conditions of millennium? Or should we be content, rather, to proceed with caution, step by step, converting instruments of production and transport into social wealth as occasion may offer; now railways, after a time mines, then one class of factory, later on another class; till finally, when all men have been fully civilised, selfish passions completely eradicated, the dignity and pleasure of sacrifice and labour thoroughly appreciated, the race would be prepared for the ideal social condition in which capital would belong to no individual, but would be administered for the good of all by the democratic state?

If this, or something like it, is not what is implied by the materialistic or evolutionary conception of

Socialism

history, I do not know what the evolution of humanity, materialistic or theistic, can possibly mean.

One may notice in this connection that in France,¹ where socialists are invested with more political power than elsewhere, the leaders of the party are content to realise their programme by instalments, and to reserve for the future the full triumph of the democratic idea. This policy, of course, may be directed by political expediency rather than by principle ; and possibly French socialists are persuaded that even now the race is ripe for the realisation of the ideal. No doubt also some of the most daring and least thoughtful spirits of the party speak and write as if they were convinced, not only that humanity is ripe, but that it had ripened long since. I cannot believe, however, that any thoughtful man, such as some of the socialist leaders are, could be honestly convinced that we have yet grown so unselfish, just, orderly, and careful of the common weal, as to give reasonable hope that an attempt to realise the socialistic ideal fully would lead to happiness if it were made at present.

So far for the socialistic position. The Catholic doctrine of private property in the means of production and transport is based on a different reading of history, which leaves no hope for the complete eradication of laziness, selfishness, and the other evil passions that make for injustice and are so fruitful of misery. That the doctrine of proprietorial rights in the instruments of production is based on this comparatively poor opinion of and hope for humanity, is as undeniable as it is that we rely on history for proof, not on what philosophy teaches as to the essence or nature of man.

¹ This was written in 1906, but still holds true of that country ; as it does of Germany, which has now passed under a Socialist regime. It is not easy to know how Russia now stands ; but I shall be surprised if the farmers of that great country allow the produce of their fields to become common property under the Bolshevik government.

Socialism

We rely not on what man must be of his nature, but on the qualities which history and experience show him to possess, and which he must, in prudence, be deemed likely to retain. Needless to say, for Catholics, this reading of history is confirmed by the revealed record and the teaching of the Church.

If our first father and his posterity had remained in the state of innocence, there would be no need of property in the means of production ; this, I believe, is the teaching of all theologians.¹ Property in capital, therefore, is the consequence of inordinate appetites, not a necessity of human nature as such. Socialists look forward to a time when in the course of evolution the race will have attained to what will be practically a state of innocence, in which there will be no inordinate lusts. Read Mr. Spencer's *Data of Ethics*, and see how the father of evolutionary sociology predicts the advent of a time when the race will have to be rescued from an extreme altruism ; when, that is, there will be a killing competition of kindness owing to which no one can do anything for fear of depriving his neighbour of the pleasure of doing it ; and dishes may remain uncleared and fires unlighted because it would be considered too bad to deprive another of the delight of lighting and cleaning. In such a society there would be no need of property, and there would be no force whatever in the contention that in the social democratic state laziness and selfishness would be sure to interfere with the due performance of necessary work.

There are two hypothetical principles, if I may call them so, as to which socialists and ourselves are in perfect agreement :—(1) That in proportion as men become unselfish and moral, under whatever influence,

¹ "Convenit inter scholasticos rationes cur natura nunc postulet proprietatem privatam coniungi cum statu generis humani qualis est post peccatum, ita ut existiment futurum potius fuisse ut, nisi Adamus peccasset, res mansissent communes."—A. Vermeersch, S.J., *Quaestiones de Justitia*, n. 205.

Socialism

it is reasonable to limit private property in the means of production and of transport ; and (2) that the limitation might be made complete and absolute if all inordinate selfishness were to cease. The essential difference between us is :—(1) That they regard man as being now less selfish than we believe him to be ; and (2) that while they look forward with confidence to a golden age and universal garden of Eden, we have no hope that Astraea will ever come back to earth.

If, as I believe, the leaders of socialistic thought, however cheerily they may write and speak, rather hope for the return of the golden age than deem it present—and certainly they do not write as if they thought the mill-owner, the bourgeois shop-keeper or banker, and the farmer, unselfish—their golden age may be left to provide for itself. Should Astraea ever return, men will not need capital nor will they care to retain it.

The pressing question is whether already we have progressed so far as to justify the nationalisation of this or that instrument of production or transport. Have farmers and farm-labourers grown sufficiently unselfish to warrant us in hoping that they would go on working the land at a reasonably high pressure, if all the fruits, with the exception of what the community may hand them in return, were to go to the nation ? Are miners and factory-hands prepared to work as hard as the common weal requires—that is, nearly as hard as now, if not even harder sometimes—without any overseer ? or would officials of the nation manage business and get employées to work as economically and effectually as private owners do in the present system ?

That is the aspect under which the question should be considered by the unphilosophical but prudent voter, when he is called upon to say whether, for instance, he will have land or railways nationalised, tramways or lighting-plant taken over by the municipality. Theo-

Socialism

logy bids him remember, as he approaches the ballot-box, that men have passions and are likely to retain them ; and that while passion may be restrained, chiefly through the influence of religion, it is easy, even where religion is not hampered, to trust the human heart too far. As long as laziness and selfishness entice us to profit by the labours and sacrifices of others, there will be need of some counter-attraction towards labour and sacrifice on our own part—such is the lesson of history, however you conceive it. Hitherto it has passed the wit of man to devise any form of counter-attraction that can take the place of the proprietorial rights which have been found so effective in the past.

Man, however, is progressive ; and as the democratic system of government now so common would not have suited an earlier stage of our development, it may be that we shall pass more and more into the socialistic state. It is not a question for ethics or theology, whether we have reached at any period a stage of development that would sanction a certain grade of socialism. That is for business—statesmanship—to determine. Let us, theologians, be content to be guided in such matters by the ancillary science ; approving what she recommends as suitable for the time, and disapproving of what she deems injurious to society. Above all, let us not insist that what did not suit the times of Molina or De Lugo may not be suitable now or be found suitable after a hundred or a hundred thousand years.

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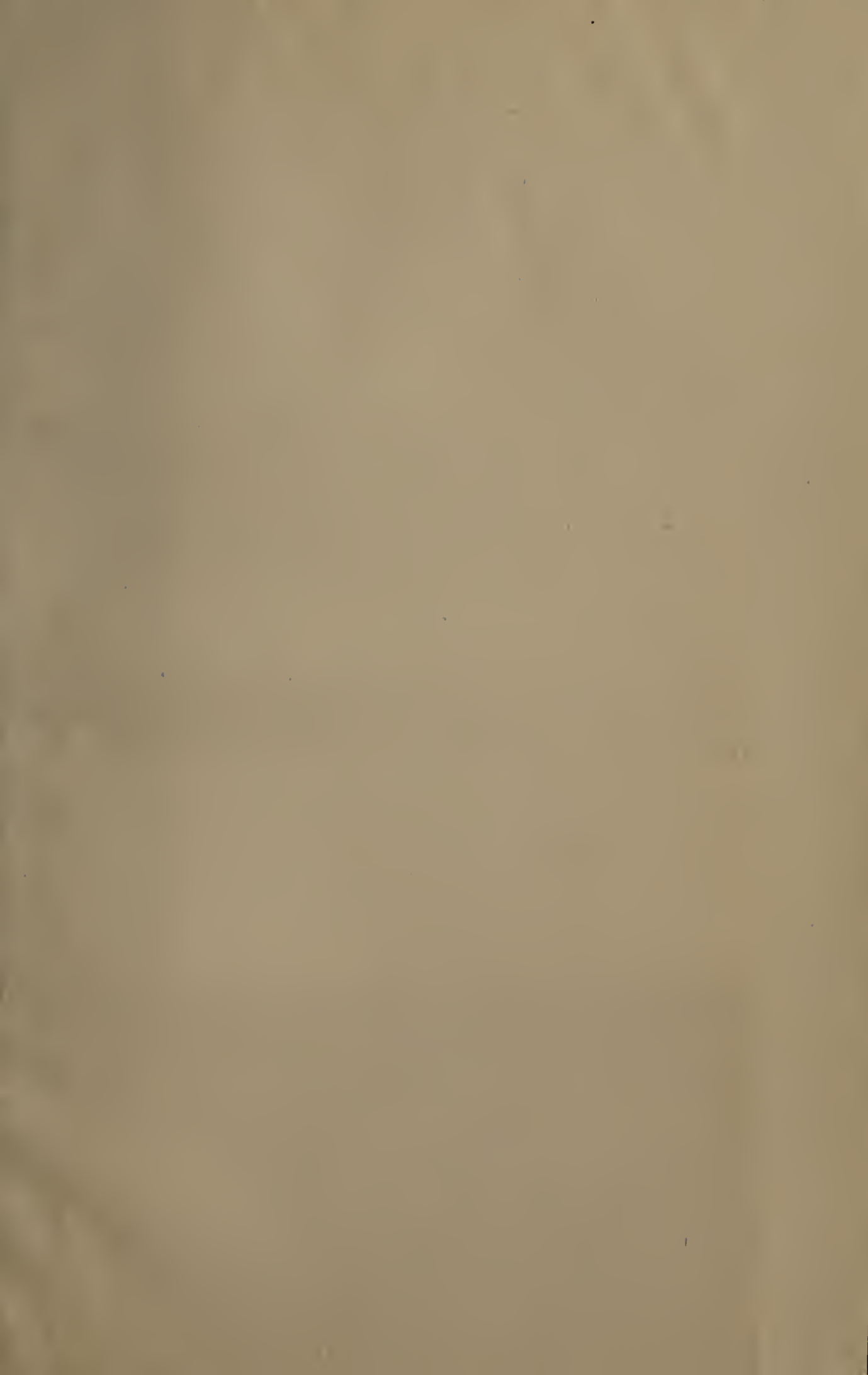
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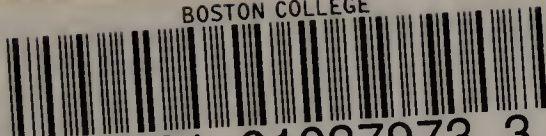
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